K. Hoadly 14/15 – [illegible]

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THE Finiſhing Stroke.

BEING A

VINDICATION

OF THE

Patriarchal Scheme

OF

GOVERNMENT;

IN

DEFENCE

OF THE

REHEARSALS, Beſt ANSWER,

AND

BEST of ALL.

WHEREIN

Mr. *Hoadly*'s *Examination* of this *Scheme* in his late Book of the *Original* and *Inſtitution* of *Civil Government*, is fully conſider'd.

To which are Added,

REMARKS on Dr. *Higden*'s late DEFENCE,

IN A

DIALOGUE between Three *H*—'s

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BRITISH MUSEUM

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THE FINISHING STROKE IN ANSWER TO *The Original and Inſtitution* OF Civil GOVERNMENT, Diſcuſſed, *viz.*

An Examination of the Patriarchal Scheme of Government, &c.

(I.) IT is common in formal Diſputes to begin with Explaining the *Terms*. The chief *Term* here to be Explained is the Word *Civil*, what is meant by *Civil* Government.

We deſcribe *Government* among us under *Three* Denominati[illegible]s of *Eccleſiaſtical*, *Civil*, and *Military*. T[illegible] *Firſt* is of the *Church*, relating to *Spiritual* things, for the

Salvation of our *Souls*. The *Second* is to make *Laws* and Determin *Diſputes* about *Meum* and *Tuum*, *Liberty* and *Property*, in a *Peaceable* Manner. The *Third* is when Subjects *Rebel*, then the *Civil* Government muſt be Enforced by *Arms*. And this is *Civil* Government ſtill, only in another *Form*.

All theſe were Originally in the ſame Perſon, in *Adam*, and the *Patriarchs*, and in *Moſes*. And even among the *Heathens*. The *Emperour* of *Rome* was likewiſe *High-Prieſt*. But under the *Law* the *Eccleſiaſtical* Regiment was put into the Hands of the *High-Prieſt* and the *Levits*, and the *King* was no longer *Prieſt*. And thus it Continues under the *Goſpel*. But the Powers *Civil* and *Military* always were and ſtill are United in the *King*, as being indeed but a different Exerciſe of the ſame Power. So that *Eccleſiaſtical* and *Civil* are the only proper Diſtinctions of *Government*. That is, *Spiritual* and *Temporal*.

(II.) Now the preſent Diſpute with Mr. Hoadly is only about *Civil* Government, properly ſo Called; And whether this was given to *Adam*? God ſaid, *Gen.* iii. 16. That *Eve* ſhould be *Subject* to *Adam*, and that he ſhould *Rule* over her. And what ſort of *Rule* or *Dominion* this was, is all the Queſtion. It was ſome ſort of *Government*. If it was *Eccleſiaſtical*, as He was *Prieſt* to Her, and Guide in *Religion*; or *Military*, in Caſe of a Quarrel, and that ſhe had Diſputed the *Dominion* with Him; yet moſt properly it was a *Civil* Rule and Government which He had over Her.

Mr. HOADLY ſays, it was a *Marital* Authority he had over her, and *Paternal* over their *Children*. Well. It was ſo. But what is this *Marital* or *Paternal* Authority? It is ſome ſort of *Government* or other. And it is a *Civil* Government, moſt Properly ſo Called. If you will have it *Eccleſiaſtical* and *Military* too, with all my Heart. But ſurely it is moſt *Properly* a *Civil* Government, at leaſt as *Properly* as either of the other.

And *Civil* Authority does not alter its Nature whether it be among *Many* or *Few*. A Maſter has the *Government* over *One* Servant as well as over *More*. And when God gave to *Adam* the *Dominion* over *Eve*, ther was *Civil* Government Eſtabliſhed betwixt thoſe Two. The Encreaſe of Subjects to *Adam*, was but *Civil* Government ſtill, tho' over more.

(III.) The next thing to be Enquir'd is, the Extent of *Civil* Government. And whether this *Civil* Government of *Adam* over his *Wife* and their *Deſcendants* did

Reach to *Life* and *Death*, and was *Supreme* and *Unaccountable*, as all *Supreme Powers* are now upon Earth?

To which it is ſaid, *Rehearſ.* Vol. 1. N. 56. *Beſt Anſwer*, §. xiv. p. 42. and *Beſt of All*, §. xv. p. 22, 23. That that *Civil* Power is *Supreme* and *Abſolute*, where ther is no *Civil* Power *Superior* to it. And that this muſt be the Caſe as to the *Civil* Power which God placed in *Adam*.

This is the Reaſon given for the *Supremacy* of *Adam*. And to this Mr. HOADLY has not ſaid one Word, nor taken the leaſt Notice of it in all his great *Book*.

But inſtead of that, he dwells upon Circumſtantials, as whether *Cain* was Proſcrib'd by *Adam*, or immediately by *God* Himſelf? Which makes nothing to the Matter one way or other; unleſs he thinks that the *Supremacy* of *Adam* did Superſede the *Supremacy* of *God!* Which Senſe he dares not put upon that Author. But the *Rehearſ.* Vol. 1. N. 56. having Mentioned the Proſcription of *Cain* by *Adam*, as a thing Probable or Reaſonable to ſuppoſe, (which might be, tho' God had Pronounced the Sentence of being a *Vagabond* againſt him, and might have been this way fulfilled) Mr. *Hoadly* ſpends many Pages and great Pains to prove that *God* did Pronounce this Sentence againſt *Cain*, and that his *Proſcription*, meerly of it ſelf, did not Prove the *Supremacy* of *Adam*. Which that Author never thought, nor did he Produce this Inſtance for that Purpoſe. But gave his Reaſon for the *Supremacy* of *Adam*, from his having under God no *Superiour*, and Quotes Biſhop *Overall*'s *Convocation Book* giving the ſame Reaſon, and for that very Reaſon calling the Power of *Adam*, *Patriarchal*, *Regal*, or *Imperial*. All which is paſſed over by Mr. *Hoadly*, and he will have that Author's *Reaſon* to be, what he never gave for a *Reaſon!* This is his Method of *Anſwering!* And by which he has Swelled his Book to a Huge Volume, by Studiouſly Avoiding the Queſtion, Haranguing long upon each Circumſtance, and Repeating it *Twenty* Times over under ſeveral Heads! To prevent which, the whole Matter was given him very ſhort in *Beſt of All*, the *Heads* only ſet down, without any *Circumſtance* almoſt Mentioned, with the Plain downright *Reaſon*, and no more. And this was ſent to him laſt, that he might not Stray or Miſtake. But he was Reſolv'd upon it, and all Attempts to hinder him Prov'd in Vain!

(IV.) In the firſt *Page* of his *Contents* he ſays, Here it is Proved,

That the *Subjection* and *Inferiority* of *Eve*, imply nothing of *Civil Government* in *Adam*. p. 7.

That the *Obedience* of *Children*, and the Injunctions laid upon them by Almighty God, have no proper relation to *Civil* Government. p. 8, 11.

Here I thought to find ſomething to the Matter, but Reading over the Pages refer'd to, ther was no more but this, That the Authority of *Adam* over *Eve*, and over their *Children*, was the Authority of a *Husband* over his *Wife*, and of a *Father* over his *Children*. But as to the two Points, *Firſt*, whether this was not a *Civil* Authority? *Second*, whether it was not *Supreme* in *Adam*, becauſe he had no *Superior*? To the *Firſt* he Anſwers, That the Authority of *Husbands* and *Fathers* among us is not a *Civil* Authority, becauſe ther is a Superiour *Civil* Authority in the Nation. As if ther could not be a *Subordination* of *Civil* Authority! We may as well ſay, ther is no *Subjection* among *Men*, becauſe all are *Subject* to *God*.

(1.) But as to the *Second*, he ſays, That we muſt Meaſure the *Authority* of *Adam*, who had no *Superiour*, by the *Authority* of *Husbands* and *Fathers* among us, who have *Superiours* in *Civil* Government. Here I muſt Quote, that the Reader may not think I Miſtake, or fouly Belye him. Theſe are his Word, p. 7.

“ If therefore the *Subjection* which the
“ *Apoſtle* layeth upon *Wives*, makes not
“ their *Husbands Civil Magiſtrates*, neither
“ will the Subjection of *Eve* (from which
“ the *Apoſtle* argues) make *Adam* a *Monarch*.

To which I ſay, That the *Subjection* which the *Apoſtle* layeth upon *Wives* does make their *Husbands Civil Magiſtrats*, but not *Supreme*, becauſe there is a *Superior Civil Government* over them. But that the *Subjection* of *Eve* to *Adam* did make him a *Monarch*, becauſe ther was no other *Superior* to Him.

That *Husbands* and *Fathers* are not called *Civil Magiſtrats* in our *Laws*, is only becauſe that Term is Appropriated in *Law* to ſuch *Authority* alone which is Derived wholly and ſolely from the *Crown*, and Created by it. But the *Authority* of *Husbands* and *Fathers* being Founded and Eſtabliſh'd from the Beginning by *God* Himſelf, they are *Civil Magiſtrats* of *God*'s own Making, with full *Authority* in all *Civil* Cauſes, even to *Life* and *Death*, every *Pater-Familias* over his own *Family*, all Subject to the firſt *Father*. And *Bodinus* (de *Repub*. l. 1. c. 4.) thinks it an Error in the latter *Civil Governments* to have Abridged this Abſolute Authority of every *Father* in his own *Family*, as Encouraging the *Diſobedience* of *Children*, &c.

which he ſays was not wholly taken away till *Conſtantine* the *Great*. And he Quotes a Speech of *Seneca* to *Nero*, telling him ther had been more *Parricides* during the Government of his Father, than from the firſt Building of *Rome* to that time, which was occaſioned by the Enervating of the *Fatherly* Authority, which had all along before Prevailed, and that no more Equal *Judge* could be ſuppoſed over *Children* than their own *Father*, whoſe *Authority* was *Founded* in the *Laws* of *God* and *Nature*. The Son that was *Stubborn* and *Rebellious* againſt his *Father* was to be *Stoned*. *Deut*. xxi. 18. *&c*. And *Bodin* thinks the *Father* bringing his *Son* before the *Elders* of his *City*, was only that they ſhould Execute the *Sentence* of the *Father*, and for Example to others, as it is there Expreſſed, *ver*. 21. And likewiſe to prevent a *Father's* killing his *Son* in a *Paſſion* without due Conſideration. Which yet ſeldom happens. For *Love* Deſcends. But ther are many more Examples of *Children* who *Diſpoſſeſs* and even *Deſtroy* their *Fathers* to ſeize on their *Inheritance*. Therefore *Children* are more ſafe under the Government of their *Father*, than the *Father* would be, if his *Authority* over them is Weakened. Wherefore *Bodin* blames the *Avarice* and *Ambition* of *Civil Courts*, who ſeek to Extenuate this Authority of the

Father, and draw every thing under their own Cogniſance. And ſhews it to be greatly Prejudicial to *Human Society*. How *Unnatural* is it to ſee a *Son* Suing his *Father* in a *Civil Court*? Whereas from the Beginning, and in all *Nations* (many of which *Bodin* Names, the *Greeks*, *Romans*, *Perſians*, both *Indies*, &c.) the *Son* was the *Property* of his *Father*, and all his *Acquiſitions* did Accrue to his *Father*; who might *Sell* him at his Pleaſure, and if Manumitted, or that he Purchaſed his own *Liberty* from his *Maſter*, yet his *Father* might *Sell* him over again, and again. He could by no means be freed from the *Authority* of his *Father*. And might be *Sold*, like his other *Goods*, for his *Debts*, even after his *Death*. As we may ſee, 2 *Kin.* iv. 1. See alſo *Matth.* xviii. 25.

Ariſtotle (*Polit.* lib. 1. c. 1. and 2. &c.) calls the *Pater-Familias* ὁ Βασιλεὺς the *King* of the *Family*, with full Power over his *Wife* as well as *Children* and *Servants*. He ſays the *Wife* was reckoned as a *Servant*. (Contrary to Mr. *Lock* who would have the *Wife* of Equal Authority with the *Husband*, becauſe it is ſaid, *Honour Father and Mother*.) And where the *Family* was Large *Ariſtotle* calls it a *City*. He ſays, ther is no difference betwixt a large *Family* and a little *City*, where many *Families* were under one. And he ſays the *Government*

vernment was perfectly *Monarchical*, and that it was ſo from the Beginning in all *Cities* and *Countrys* in the World before the *Grecian Common-wealths* were ſet up. Τὸ πρῶτον ἐβασιλεύοντο αἱ πόλεις, ϗ νῦν ἔτι τὰ ἔθνη. And that the *Succeſſion* of the *Government* was in the *Primogeniture*. πᾶσα οἰκία βασιλεύεται ὑπὸ τοῦ πρεσβυτάτου.

And *Cicero* ſays (*de Legib.* l. 3.) *Omnes antiquæ Gentes Regibus quondam paruerunt.* That all the Ancient *Nations* were once under *Kings*. And *Juſtin* begins his *Hiſtory* with theſe words, *Principio rerum, Gentium Nationumque Imperia penes Reges erant.* That in the Beginning of things, the *Government* of *People* and *Nations* was in *Kings*.

This was the *Fatherly* Authority, of which *Quintilian* ſays (*Declam.* 6.) *Pater juſſit; hoc nomen omni Lege Majus eſt. Jus Nobis vitæ neciſque conceſſum eſt.* That the *Command* of the *Father* is above all *Laws*, and Extends to *Life* and *Death*.

And *Cæſar* ſays (*de Bell. Gall.* lib. 6.) *Viri in Uxores, Sicuti in Liberos, vitæ Neciſque habent Poteſtatem.* That Men had Power of *Life* and *Death* over their *Wives* as well as their *Children*.

And we find their *Guilt* puniſh'd by *God* Himſelf upon their *Wives* and *Children*. *Num.* xvi. 27. 32.

The full and Abſolute *Power* of the *Father* is plainly ſhewed in *Lot* expoſing his *Daughters* to ſave his *Gueſts*. In *Jepthah* Sacrificing his *Daughter*. And *Abraham* his Son *Iſaac*. In *Judah* Condemning his Daughter *Tamar*. And in *Reubens*'s ſaying, *Slay my two Sons*. Gen. xlii. 37.

Theſe three laſt are mentioned in the *Rehearſals*.

(2.) But Mr. *Hoadly* takes Notice only of *Judah* and *Tamar*. And ſays, p. 19.

" It doth not at all appear that *Judah* " was ſo *Abſolute* as that he could have " done what he pleas'd even with his " own *Relatives*.

This is boldly Denying the Inſtance, which yet he cannot Deny! But he goes on,

" It doth not follow that becauſe He " Ordained the Common Puniſhment of " a *Crime* to be inflicted on a *Criminal*, " therefore He had Authority to inflict " the ſame upon thoſe who were not " *Criminal*.

But was not he *Judge* whether ſhe was *Criminal* or not? And it falls out unluckily for Mr. *Hoadly*, that ſhe was not *Criminal* in the Senſe *Judah* underſtood it. Wherefore he Acquitted her, and took the Blame upon Himſelf, and ſaid, *She hath been more Righteous than I*. Gen. xxxviii. 26.

But Mr. *Hoadly* has more to ſay yet. He ſays,

" It doth not appear that he did, by " any *Abſolute* Power, ordain this Puniſhment (*i. e.* of *Burning* her) It was, " more probably, a *Cuſtomary*, which amounts to a ſort of *Legal* Puniſhment, " known and expected. And if a Head " of a Family did, amongſt his own Relatives, execute ſuch Puniſhments for " *Crimes*, as were commonly annexed to " them; it doth not follow that He could " have *Arbitrarily* impos'd any other.

That is, He might *Burn* her without being *Arbitrary*, but he could not have *Hanged* or *Drowned* her, without being perfectly *Arbitrary*! But you ſhall have All he ſays. He flies from this to another Topick, and ſays, p. 20.

" This *Inſtance* will be but of little " Service to *Adam*'s Authority over all his " *Deſcendents*. For *Judah* left his *Father* " and his *Brethren*, and Governed, by his " own Right, his own Family.

Right. This is the very thing I am Pleading for. That the Authority of a *Father* is *Civil* Government; and *Abſolute* where there is no *Superior Authority* to Controul it. Nor does this hinder *Adam*'s Power over all his *Deſcendents*. For every *Father* having Power over his own Children, implys his Subjection to his own

Father, and ſo upwards to *Adam*, who had the Supreme Authority over them All. Only where the Superior Father did not interpoſe, the Power of each *Father* was *Abſolute*, and *Incontroulable* by any of his *Deſcendents*. Ther are Tributary *Kings* who have *Abſolute* Power in their own Dominions, and yet are Subject to an Higher *King* or *Emperor*, who has as *Abſolute* an Authority over them.

(V.) And now I think here is a full Anſwer to all Mr. *Hoadly*'s Book. For from the Beginning to the End of it he goes all along upon the Government of *Adam* being that only of an *Husband*, or a *Father*: That this was no *Civil* Government: And conſequently that *Civil* Government muſt have another Foundation: And that this can be no other than the *Election* of the *People*.

But if I have proved, That the *Government* of *Adam* was truly and properly a *Civil* Government: And that the *Marital* or *Parental* Government is ſuch: And that it is *Supreme* where ther is no *Superior*: Then ther is an utter End to all that Mr. *Hoadly* has ſaid.

The Progreſs of the Diſpute is Directly this, and no more.

Rehearſal, The *Paternal* is a *Civil* Authority.

Hoadly. I ſay it is *Paternal*.

Beſt Anſwer. But I ſay with the *Rehearſal*, That the *Paternal* is a *Civil* Authority.

Hoadly. I ſay it is *Paternal*.

Beſt of All. No doubt *Paternal* is *Paternal*. But do you Deny that the *Paternal* is a *Civil* Authority?

Hoadly. I ſay it is *Paternal*.

If Mr. *Hoadly* can ſhew any other *Anſwer* he has given, then I have Wrong'd him.

And this was the very *Heart* of the *Cauſe*, the *Reaſon* given, *Repeated* and *Preſs*'d; But to no more Effect than I have told you!

If he had thought of this, what Pains might he have ſav'd in Proving his *Independent State* of *Nature*, which he Labours from *p*. 145. quite through to *p*. 200. All *Labour in Vain*, till he proves the *Paternal* not to be a *Civil* Authority. For if it is, then *Civil* Authority was firſt Erected in *Adam*. And if every *Civil* Authority is *Supreme* where ther is no *Superior*, then *Adam* was the *Supreme Civil Governor*, Call him *King* or *Emperor* or by what other Name you pleaſe. And what then becomes of your *Independent State* of *Nature*? And how was the firſt *Civil Government* Erected by the *Choice* of the *People*? And when was the Time when ther was no *Civil*

Government in the *World*? Which muſt be ſuppoſed before we can make the *People* the *Original* of *Government*.

(VI.) But let us ſee the Method in which he would Prove this *Independent State*. And firſt for the Times before the *Flood*, becauſe he muſt go ſo High to find the *Original* of *Government*, and Conſequently ſhew the *Time* when ther was no *Civil Government* in the World. And the firſt *Topick* he lays down to Prove this, is p. 145. in theſe Words,

(1.) " There is no Neceſſity at all that " ſuch a *Time* ſhould be Named; nor " doth the *Truth* or *Falſhood* of this *Scheme* " at all depend upon the Naming or not " Naming it: Becauſe there *might be* ſuch " a *Time*, and yet not Marked preciſely " in thoſe ſhort Accounts of the firſt Ages, " which are tranſmitted to us by *Ancient* " *Hiſtorians*, whether *Sacred* or *Profane*.

(2.) But do any of the *Profane Hiſtorians* go ſo High? No. For he ſays, p. 146.

" And as for the *Profane Hiſtorians*; " ſuppoſing that they give us no Accounts " of any ſuch *Time*, it is Manifeſt that " their *Hiſtories* go not ſo High as the " *Confuſion* of *Languages*, and *Diviſion* of " *Nations*.

The *Suppoſing* that they give no ſuch Account looks indeed as if it were Needleſs, when in the ſame Breath you tell that it was *Impoſſible*, becauſe their *Hiſtories* did not go ſo High! What uſe then was ther in Mentioning theſe *Profane Hiſtories* at all? You brought them in, that you might turn them out! But it makes the *Period* run more *Roundly*—— *All Ancient Hiſtories Sacred and Profane*—— One for *Senſe*, and one for *Rhime*——

(3.) Well, but what ſays the *Sacred Hiſtory*? Does it tell the *Time* when ther was ſuch an *Independent State* before the Flood? No. He owns it does not. What then? How does he Prove it from the *Sacred Hiſtory*? He ſays, as above Quoted, That it *Might* have been there; or *Might* have been, tho' it is not Mentioned there. This is a Matchleſs *Proof* indeed! But then he turns the Tables upon us, and ſays, p. 147.

(4,) " For ſuppoſing (*ſays he*) on one " Side, that no ſuch *Time* can be Pointed " out; it is Evident, on the other Side, " that there is no expreſs Account given " in the *Sacred Hiſtory* of *God*'s Inſtitution " of *Civil Government*. And ſo, both theſe " *Schemes* are upon a Level, with reſpect " to this.

This is *Compounding*. All that is meant in it is, That the *Government* which was given to *Adam*, was no *Civil* Government. Of which Sufficient has been ſaid already. But if it was a *Civil* Government, as moſt certainly it was, then Sir, by your good Leave, theſe two *Schemes* do not ſtand upon a Level. For the *One* is expreſly Mentioned in the *Sacred Hiſtory*, and of the *Other* ther is not one Tittle.

And *Civil* Government having been thus Inſtituted at the Firſt, as we have ſeen, if it had been *Loſt* afterwards or *Juſtled* out, and the *World* turned to an *Independent* State, it would have been ſo Wonderful and Remarkable a *Revolution*, that it is Impoſſible the *Hiſtory* of thoſe Times could have Miſſed it. As if *England* ſhould throw off all *Government*, and turn into an *Independent* State, is it Poſſible the *Hiſtory* of that *Time* ſhould not mention it? Could it be done in an Inſtant, or with a *Whiſper*, like the two *Kings* of *Brentford*, and no Body know of it? Would ther have been no *Wars*, no *Strugle* in ſuch a Caſe worth Mentioning?

(5.) Well, but Mr. *Hoadly* has another Shift (for he was pretty Senſible this would not do) he ſays, p. 148. Suppoſe *Adam* was *de Facto* Univerſal *King* or *Monarch*, yet who knows but he was an *Uſurper?* Why, Mr. *Hoadly*, would you like him the Worſe? —— Gentlemen, do not *Laugh* —— I profeſs I do not Wrong him.

Believe your own Eyes. I pray Read over that *Page*. His Words are theſe,

" Suppoſing therefore that *Adam* was " *Univerſal Monarch*, or *Civil Governour*, " over the whole Race of Mankind, du- " ring his long Life ; this will not Prove " he had a *Divine Right* to be ſo.

Will it not? Then I am ſure no *After-King* can Claim it. Mr. *Hoadly* hates this *Divine Right* in his Heart! But if *Adam* had not *Divine Right*, what *Right* had he? How came he by the *Government?* Mr. *Hoadly* tells in the next Words, he ſays,

" That *Might* proceed from his taking " upon himſelf that Office, and Eſtabli- " ſhing himſelf in it by Degrees; or from " the Tacit and general *Conſent* of his *De-* " *ſcendents* for their own *common Good*. If " merely from his own *Will* and *Power*, " this is barely *Poſſeſſion*, which thoſe who " Object this, will not allow at *Firſt* to " Convey a true *Right*, or *Title*.

No. Not at *Firſt* —— And therefore I will Allow Mr. *Hoadly* that *Adam* had no *Right* againſt any *Pre-Adamite* Claimer. But he came to this *Power* by *Degrees!* His *Deſcendents* indeed, or *Subjects* (as theſe *Jure-Divino-Men* fooliſhly call them) did Encreaſe by *Degrees*. But he was not *King* till he had their *Conſent!* No. At leaſt a *Tacit* Conſent, ſays Mr. *Hoadly*. And he is certainly in the Right of it. For every one gave That as ſoon as he was Born! Unleſs *Crying* does Argue a *Diſſent!* And every one giving this *Conſent*, it was a *general Conſent*, and for their *common Good!* But Mr. *Hoadly* will not be put off ſo. He ſtill ſtands to his Point. And ſays in the next Words,

" And notwithſtanding that he *(Adam)*
" was *Univerſal King* before any *Compact*;
" yet this will not Prove that He was
" *Rightfully* ſo, or that there is any other
" *Rightful Title* to *Civil Government*, but
" what is Founded upon *Compact*, in the
" ordinary Courſe of things.

Indeed the *Creation* of *Adam* was a little out of the *Ordinary Courſe* of things! But was not He therefore a *Rightful* King? Poor *Adam!* Little did he think to have had his *Title* Diſputed by one of his *Deſcendents Five Thouſand* Years after he was Dead! But Mr. *Hoadly* goes on. He ſays,

(6.) " If his *Monarchy* were founded up-
" on, and Supported by the *Tacit Conſent*
" of his *Deſcendents*; this amounts to ſuch
" a *Compact* as I am now Defending.

And is it no more that you are Defending? Will ſuch a *Tacit* Conſent *Found* Government? Is this then the *Original?* But this ſuppoſes *Government* to be *Founded*, and the *King* in Actual *Poſſeſſion* before any ſuch *Conſent* given. Therefore ſuch a *Con-*

ſent cannot be the *Foundation* upon which *Government* is Built. And if *Tacit* will do, then the *Mutes* of the Grand *Seignior* are the moſt *Free* Subjects in the World, and *Chuſe* their *King* by ſaying—— *Nothing!* If you ſay the *Grand Seignior* was *King* before. So was *Adam*. And all his *Deſcendents* and *Subjects* were Born *Mutes*. See now to what a fine Condition Mr. *Hoadly* has brought our *Liberty* and *Property*, and the *Original Power* of the *People* to Found *Government!* But he Sticks to his Tackle. And all the World ſhall not make him give Back one Inch! He Cares not whether his *Scheme* holds or not; he is ſure of the *Concluſion*, whatever becomes of the *Premiſſes!* For thus ſays he in the next Words,

(7.) " Whether therefore there ever was " one *Hour* without *Civil Government*, or " no; whether there ever was a *Compact* actually made in any one Place in " the World, or no: Yet this Judgement " *May* ſtand good, that there cannot be " a *Right* to *Government*, properly ſo called, without the *Conſent* and *Agreement* " of the *Community*, and *Society* which is " to be *Governed*.

You ſay it *May be*, as you ſay *Adam* might *Vſurp*. You love theſe *Mights* and *May be's* Dearly! They keep you *Looſe*, that one cannot *Fix* You. Yet you frequently call theſe *Proofs* and *Demonſtrations!* And thus you have Clear'd the Point! Tho' a full *Anſwer* to all you have ſaid might be, That what *May be*, *May not be*. And ſo Leave you where we Found you.

But I cannot Agree to your laſt *May be*, for ſeveral Reaſons, and Firſt, becauſe it is *Impoſſible*—— For if ther never was one *Hour* wherein ther was not *Civil Government*, then ther could be no *Independent* State: And if ther never was a *Compact* in any Part of the World, then *Government* could not be by *Compact*, and Conſequently not by the *Conſent* and *Agreement* of the *Community*.

Unleſs you mean, That they did *Conſent* to *Submit*, or did willingly *Obey* their *Governours*. And if this be what you call the *Conſent*, or *Agreement* of the *People*; And if this makes them the *Original* of *Government*, it will make them the *Original* of *God* too, for they ought to *Conſent* and *Agree* to *Serve* Him.

But, Mr. *Hoadly*, tell me, in good Earneſt, was this all the *Conſent* of the *People* you Intended as Neceſſary to *Government?* Why then do you draw Straws before thoſe Silly *Animals* that are Deluded by you? Why do you go a Fiſhing for an *Independent State* of *Nature*, to make them believe they were before the firſt *King*, and that all *Kings* do hold their *Authority* from *Them*, and are *Accountable* to *Them?* Was it this *Conſent* of *Duty* and *Obedience* only, which makes any *Government*, even that of *Adam* himſelf, a *Rightful* Government, and for want of which you ſuppoſe that *Adam Might* have been an *Vſurper*, and had no *Right?* This *Conſent* whoever Denys to a *Government* is a *Traitor* and a *Rebel*, then it could not be this *Conſent* which did *Conſtitute* the *Government*. Men may Refuſe their *Conſent* to Obey *God*. Is it their *Conſent* therefore that makes *God?* But *Conſent* is *Conſent!* And ſo you *Dance* in a *Net* before the *People!* Confounding the *Conſent* of *Duty* with the *Conſent* of *Authority*.

(8.) But after all this, Mr. *Hoadly* undertakes to Prove that ther was a State of *Equality* or *Independency* among Men. This he begins, p. 149. And the Proof is in theſe Words,

" It is highly Improbable that *Moſes*
" ſhould not in a very expreſs Manner,
" Inform us of the *firſt Inſtitution* of *Civil*
" *Government*.

Is this your Method? Sir. To promiſe us a Poſitive *Proof*, and then begin with a *Probability* only. *It is highly Improbable*—— And in that very ſhort Account given us of Affairs before the *Flood*, it had not been very *Improbable* if no Mention had been made of the *firſt Inſtitution* of *Civil Government*. But, Sir, it is given us, and *in a very expreſs Manner*, and at the very *firſt Beginning* that was Poſſible, when ther were but *Two* Perſons upon the Earth, then was *Civil Government* firſt *Inſtituted*, and the *Dominion* given to the *One* over the *Other*, and this *in a very expreſs Manner*, as I have ſhewed. And this ſhews the Importance of *Government*, that Room was found for giving us an Account of the *firſt Inſtitution* of it in that very *Short* Account. And I am apt to believe that we ſhall hear no more of your Nice Diſtinction betwixt the *Marital* (or *Paternal*) and the *Civil* Authority. For I hope I have made it fully Appear, that both the *Marital* and *Paternal* is a *Civil* Authority, and that moſt Properly ſo Called.

(9.) Therefore I go on to your ſecond *Demonſtration* or *Probability*, That ther was no *Civil* Government in *Adam*'s Time, which is in your next Words, and the ſecond Inſtance of your *Highly Improbable*—— "That he *(Moſes)* ſhould not "give us one ſingle Inſtance of any *Regal* "Act of *Adam*." ——— You might have added, or of his *Coronation*, or what *Robes* he Wore, of his Sending or Receiving any *Ambaſſador*, or Calling a *Parliament*, &c. The firſt Book of *Chronicles* begins, *Adam*, *Seth*, *Enoſh*, &c. without any Preface

face or Introduction. What *Acts* are told here? Do you Expect, Mr. *Hoadly*, that I ſhould ſtay longer with you upon ſuch *Probabilities* or *Improbabilities* as theſe? And do you call theſe your *Proofs* and *Demonſtrations!*

You likewiſe think it an Argument that the Title of *King* is not here given to *Adam*, nor ſo much as *Patriarch*. But it is given in the *Contents* of the *fifth* of *Geneſis*. Which ſhews the Notion of our *Church*, That ſuch Names do properly belong to *Adam*, tho' they were not known in his Days. And in Biſhop *Overall*'s *Convocation Book*, lib. 1. c. ii. the Power of *Adam*, is called *Patriarchal*, *Regal*, or *Imperial*. This was told you, *Rehearſ.* Vol. 1. N. 56. Of which you take no Notice (tho' you Quote the ſame *Rehearſal)* but put the Objection here over again, as if it had not been Anſwered before!

(10.) Your ſecond Head of Argument in the ſame p. 149. is juſt Repeating the ſame over again in this new Form, *viz.* That either *Adam* was a *Civil Governour* or *King*; or otherwiſe that ther was then an *Independent* State without any *Civil* Government: But you cannot find that *Adam* was ſuch, therefore ther was ſuch an *Independent* State. This is a fine way of Multiplying Arguments, and making a *Large* Book! But why ſhould not he that Writes for the *Many-Headed* Monſter, have as many *Heads* of Arguments, and all to as little Purpoſe! But ſome think that ſaying a great Deal, is *Proving* beyond Diſpute!

(11.) The third *Head* is a mighty One, p. 150. where he Proves ther could be no *Civil* Rule or Government in *Adam*'s Time, becauſe *Cain* after he had Murdered his Brother *Abel* was afraid, *that every Man who met him ſhould Kill him*. And by the ſame Argument he may Prove that ther never was any *Civil* Government in the World ſince, nor is at this Day. For *Guilty Conſcience* is very *Fearful*, and will *Trepidare ad Arundinis umbram*, be Afraid of a *Shadow*. But Mr. *Hoadly* infers from hence, That therefore every Man was Equally an Avenger of Blood, and might Kill a Murderer wherever he met him. And conſequently that ther could be no *Civil* Government or *Authority* in One more than in Another. And was not this an *Independent* State? Moſt Certainly! And extends not only to *Murder*, but to *Theft*, *Robbery*, or even *Cheating* or *Lying*, or whatever may be Hurtful to Humane Society. Wherein if every Man is Permitted to be his own *Judge*, and to *Avenge* it in others, according to his own Diſcretion, there is a Fair *End* to all Human Society, and I ſhould be as much Afraid to meet a

Man as a *Wolf*. I kill a Man whom I think a *Rogue* and an *Enemy* to Human Society—— And another Kills me for my Pains—— And another Kills him—— And ſo to the End of the Chapter! This is the Bleſſed *State* Mr. *Hoadly* is Contending for!

(12.) And he thinks it a Noble Argument towards this, to Prove at length in the ſame *Page*, That it was *God* and not *Adam* who firſt Diſcovered the Murder of *Abel*, and that *God* Himſelf Proſcribed *Cain*, and Paſs'd the Sentence upon him. Whence he would Infer that *Adam* had no *Authority* over *Cain*, to *Proſcribe* or *Puniſh* him, becauſe *God* did it. But, Sir, does *God* Diveſt *Himſelf* of his *Authority* when He *Delegates* it into the Hands of *Men?* May He not take the Matter into His own Hand when He pleaſes?

Theſe are all the Reaſons Mr. *Hoadly* gives to Prove that the World was in a State of *Equality* in *Adam*'s Time. And he Concludes as Triumphantly from them as if they had been all *Demonſtration!* He ſays at the End of p. 151. *And this we find in Fact to be a State of Equality*. And p. 152. "It being *Evident* that this was "Actually the then State of the World, "it follows *Evidently*, that there was a "*Time* at the Beginning, in which *Mankind* were Actually in a State, inconſi-

" ſtent with the Suppoſition of *Civil Rule*,
" and *Government*, properly ſo called.

Thus ends his third *Head*, from this Inſtance of *Cain*. But he ſays more of it in another Place (for he ſpeaks more than once of every thing) and I will bring it in here, that we may have all together, and go on Regularly according to the *Time*. Thus then to Carry on the Thread and Deduction of *Government* from the Beginning.

(VIII.) God having Eſtabliſhed *Civil Government* in *Adam* over *Eve*, and over their *Poſterity*, took Care for the Continuance of it after the Deceaſe of *Adam*, and Settled it in the *Primogeniture*, in *Cain* his *Eldeſt Son* (tho' a Wicked Man) and in the very ſame Words by which He at firſt Eſtabliſhed the *Government* in *Adam*. And He urged this as an Argument to *Cain* of the Unreaſonableneſs of his Envy againſt his Brother *Abel*, Gen. iv. 7. *If thou doeſt well ſhalt thou not be Accepted?* That is, by *Me*, ſays *God*, thou ſhalt be in my Favour, and I will Accept thy *Sacrifice* as well as that of thy Brother, for which thy Anger is kindled againſt him. *And if thou doeſt not well, Sin lieth at the Door*. Thou art lyable to my Judgments, but nevertheleſs, thou haſt the Right of thy *Primogeniture*, and *Unto thee ſhall be his deſire*

deſire (or, *thou ſhalt have the Excellency*, as our *Margin* Reads it) *and thou ſhalt Rule over him*, or, *He ſhall be Subject unto Thee*. Therefore thou haſt no Reaſon to be thus *Wroth* with thy *Brother*, and ſo *Diſcontented*, (ſays God to *Cain*) becauſe I have Accepted his *Sacrifice*, and Rejected thine for thy Wickedneſs. To this ſays Mr. *Hoadly*, p. 36.

(1.) " It is Impoſſible to think that " it could be any Satisfaction to Him " (*Cain*) in his preſent Ill-Humour, to " know that above *Eight Hundred Years* " afterwards He ſhould Rule *Abel*.

But does Mr. *Hoadly* know in what Year of *Adam*'s Life this was? Or did *Cain* know how long his *Father* had to live? And it would be ſome Comfort ſtill to an *Envious* and *Ill-Natur'd* Man, to think that at ſome time or other he ſhould have the *Dominion* over the Man whom he Hated. And he knew not how ſoon that might be. The *Reverſion* of *Power* is Something. But Mr. *Hoadly* is ſo Pleaſed with this Argument (which I ſuppoſe none ever Thought of but Himſelf) that he Repeats it *four Lines* after, leſt we ſhould Forget it, or becauſe he muſt always Repeat, he Adds,

“ How intolerable is it to ſuppoſe that
“ God ſhould allege this for his (*Cain*'s)
“ Comfort? And yet it muſt be ſo, if this
“ Interpretation be true, that Almighty
“ God bids him be ſatisfied now, becauſe
“ *Eight hundred Years* after this, he ſhould
“ ſucceed in *Adam*'s Government over
“ *Abel.*

(2.) Well, but after all this, Mr, *Hoadly* is not very ſure that he is in the Right, or that his *Eight hundred Years* will do. Therefore he goes another way to work, and ſays, *p.* 38.

“ I think it very probable that this
“ Verſe relates to ſome ſort of *Excellence*,
“ and *Privileges*, of the *Elder* above the
“ *Younger*; with reſpect to which the *One*
“ was *Superior*, and the *other* in ſome de-
“ gree *Subject* — But it is an unreaſona-
“ ble way of Arguing to infer from hence,
“ or from the like Sayings, that this *Su-*
“ *periority* implied in it an *Abſolute Power*
“ over the *Lives* and *Fortunes* of *Younger*
“ *Brethren*, and their *Deſcendents*; or even
“ the ſame Power, whatever it were,
“ that the *Father* himſelf had over his
“ *Children.*

You are certainly in the Right, Mr. *Hoadly*, for tho' the *Elder* has a *Superiority* over the *Younger*, even in their *Father*'s Life time; yet it is not the ſame Power that the *Father* himſelf has over his *Children.*

But when the *Father* is Dead, Mr. *Hoadly*, then the Queſtion is, whether the *Elder* Succeeds to any Part of his Power over his *Younger Brethren*? And if to any Part, then ſurely to the *Whole*, for ther is no *Dividing* of *Supremacy*, it conſiſts in a *Point*. And every *Civil Power* is *Supreme*, where ther is no *Superior*, as I have told you before.

Now during the *Father*'s Life, the *Elder* does not *Rule* over the *Younger*, nor is the *Younger* his *Subject*, for both are *Subject* to the *Father*, and he may over-Rule the *Elder* in favour of the *Younger*. Therefore what was ſaid to *Cain* of his Dominion over *Abel*, could not be underſtood of any Preference *Cain* had over *Abel* in his *Father's* life time; for it is moſt Probable that *Abel* was more in Favour with his *Father*, as well as with *God*, and he might have been the *Beloved Son*, tho' the *Younger*, as is often ſeen among us. And the Dominion of *Cain* over *Abel* being told in the ſame Words as the Dominion of *Adam* over *Eve*, it will be a very hard Conſtruction to make them ſignifie ſo *Much* in the one Caſe, and ſo *Little* in the other.

But the ſame *Author* can beſt Explain his own Meaning. And *Moſes* deſcribes the Pre-Eminence of the *Firſt-Born* thus, *Gen.* xlix. 3. *The Excellency of Dignity, and the Excellency of Power*. And *Chap* xxvii. 29. and 37. he Expreſſes the Right of the

Firſt-Born, as being *Lord* over his *Brethren*, and that all his *Mother's Sons* ſhould *Bow down* to Him, and are given to Him as *Servants*. This is in the ſame Book where the *Excellency* and *Dominion* is given to *Cain* over *Abel*. And ſure is the beſt Comment upon the Words.

Hence in after Ages the Names of *Elder Brother* and *Firſt-Born* were uſed to Expreſs *Dignity* and *Power*. As *Pſal.* lxxxix. 27. *I will make him my Firſt-Born, Higher than the Kings of the Earth.* To this ſays Mr. *Hoadly*, p. 73. That this was only by way of *Alluſion*. Well, be it ſo. I have no other uſe to make of it here. But it ſhews the Current Notion of the *Dignity* of the *Firſt-Born*. But he ſays, this does not ſhew what that *Dignity* or *Pre-Eminence* was. That is ſhewed before, and being then well known, need not be Repeated every time it was Mentioned.

This is Mr. *Hoadly*'s uſual way of Anſwering, when a *Text* is produced, he ſays, *This alone, and by it ſelf* do's not Prove. This you find every where in his Book.

(3.) But his ſtrongeſt Anſwer to this *Text*, is, That it ſhews ſome ſort of *Pre-Eminence* (he knows not what) that was then Attributed to the *Primogeniture*. But he Denys it meant any thing of *Power* or *Authority*. There he ſticks. And I muſt leave it to the Reader, whether, *Higher* *than the Kings of the Earth*, Means not ſomething of *Authority* or *Power?*

The like Anſwer he gives to ſeveral other *Texts* Quoted in the *Rehearſal*, Vol. 1. N. 57. where the Title of *Firſt-Born* is often given to our Bleſſed *Saviour*, to Expreſs His *Power* and *Authority* over us. Particularly *Rom.* viii. 29. where He is called *the Firſt-Born among many Brethren*, that is, our *Elder Brother.* To this ſays Mr. *Hoadly*, p. 73, 74. That nothing of the *Power* or *Authority* of *Chriſt* over us is hereby Meant at all, but only our being Admitted into the Favour of God by Him; ſuch Favour being Expreſſed by way of Alluſion to the greater Kindneſs Men uſually have for their *Eldeſt Sons.* Now as I did before with *Moſes*, ſo will I by St. *Paul*, take his Meaning of his own Words, and in this ſame *Epiſtle*, where he ſays, *Chap.* xiv. 9. *For to this end Chriſt both Died, and Roſe, and Revived, that He might be Lord both of the Dead and Living.* Is not this one Reaſon then that He is called *The Firſt-Fruits of them that Slept.* i *Cor.* xv. 20. *The Firſt-Born from the Dead, that in all things He might have the Pre-Eminence.* Col. i. 18. *The Firſt Begotten of the Dead, and the Prince of the Kings of the Earth.* Rev. i. 5. Theſe are the very Words, and the Fulfilling of what is before Quoted out of *Pſal.* lxxxix. 27. But

Mr. *Hoadly* is ſo Reſolved to let nothing of *Power* in the *Primogeniture* Remain, that he can ſee Nothing of *Power* and *Authority* in all this; no, not in our Bleſſed *Saviour* Himſelf! And he is very *Wity* upon St. *Paul* if he meant any thing of *Authority* in *Chriſt* by calling Him the *Firſt-Fruits* of them that Slept, and ſays, ther is as much of *Government* or *Authority* in the *Firſt-Fruits* of *Corn* or *Wine*, &c. I expect not to be Believ'd in this, till I repeat his Words, which you will find, p. 74. thus.

" So that this Expreſſion (of *Chriſt* be-
" ing called the *Firſt-Fruits*) is unhappily
" Alleged by one who pretends to ſo
" exact a Knowlege in the *Sacred Writings*:
" Unleſs he can be ſo happy as to prove
" that *Inanimate Firſt-Fruits*, as well as
" *Firſt-Born Men*, had likewiſe *Government*
" annexed to them.

This is like his Friend Mr. *Lock*'s Ridiculing the Argument of the ſame St. *Paul* in Aſſerting the Authority of *Adam* from his being *firſt Formed*; to which ſays Mr. *Lock* in his *Two Treatiſes of Government* (often Quoted by Mr. *Hoadly*) Book 1 Chap. iii. p. 19.

" That this Argument will make the
" *Lyon* have as good a Title to the Go-
" vernment as *Adam*, and certainly the
" Ancienter.

But to go on with Mr. *Hoadly*, who owns to have Borrowed from Mr. *Lock*, and often Refers us to theſe very *Two Treatiſes* of his, for more Ample Satisfaction. The next Words to what I have above Quoted of Mr. *Hoadly* are theſe,

" Nor was our *Lord* ever called the *Firſt-* " *Begotten from the Dead*, on the Account " of *Rule* and *Government* over ſuch as are " to *Riſe* from the *Dead*.

And he Proves it by this *Abſurdity* which he ſays wou'd follow, " That then by " Vertue of being the *firſt Begotten* of the " *Dead*, according to this Argument, He " ought to Rule as the *firſt Begotten* from " the *Dead*, over all who ſhall Ariſe from " the *Dead*.

This Mr. *Hoadly* thinks an *Abſurdity*, that *Chriſt* ſhould *Die* and *Riſe* again, for any ſuch *End* as this; or that, *by Vertue of this*, He ſhall *Rule* over all thoſe who ſhall *Ariſe* from the *Dead*.

Whereas St. *Paul* ſays, as before Quoted, That *for this very End*, He both *Died*, and *Roſe*, and *Revived*, that *He* might be *Lord* both of the *Dead* and *Living*. This is in flat *Oppoſition*, and in very *Terms*, to what Mr. *Hoadly* ſays! Who *Ridicules* the *Rehearſal*, as if He pretended to ſuch an *Exact Knowledge* in the *Sacred Writings*!

I have been the longer upon this, and Conſider'd every thing Mr. *Hoadly* has ſaid againſt the Right of the *Primogeniture*; firſt Eſtabliſhed in *Cain*; That we might have the whole before us, as the firſt *Inſtitution* of *Government* in *Adam*, ſo the *Succeſſion* of it by the *Primogeniture* in *Cain*.

(VIII.) Now let us Return and ſee Mr. *Hoadly*'s fourth *Head* againſt *Government*, p. 152. which contains the Time after *Adam* to the *Flood*. And the only Reaſon he gives why ther was no *Government* in all that Time, is, " The prodigious Increaſe of *Wickedneſs* and *Villany* in that Time." Which he ſuppoſes could not have been, if ther had been any *Settled Manner of Civil Rule and Government* among them. —— I am afraid Mr. *Hoadly* in his next *Edition*, will Prove that ther is no *Settled Manner of Civil Rule and Government* now among us in *Britain*, for ther is a *Prodigious Encreaſe* of *Wickedneſs* and *Villiany*, which is daily Complain'd of! Nay of *Blaſphemy* and open Contempt of all *Reveal'd* Religion (as well as *Natural)* Publickly both *Preached* and *Printed*. Which is an open Wageing *War* with *Heaven*, as much, if not more, than the Old *Giants* did before the *Flood*. For we hear not of their *Principles*, only that their *Practice* was *Wicked*; But now we *Sin* and Juſtify our *Violence* by *Principle!* Nay, we Father it upon *God*, and plead *Providence* on our Side, in giving us *Succeſs!* We Labour with all our might, (as Mr. *Hoadly* here) to Juſtifie by the *Word* of *God* all *Robbery* and *Rebellion*, *Falſhood* and *Treachery*, *Sacrilege* and *Perjury*, *Diſobedience* to *Kings* and *Parents*; and to Introduce *Anarchy* and *Confuſion*, by Placing *Government* in the *People!* And here you ſee what Pains he takes to Prove it from Holy *Scripture!*

Was the *Earth filled with Violence* before the *Flood?* And is it not ſo now? They had then *Mighty* Men, Men of *Renown*; (which Sounds not much like a *State* of *Equally)* And have not we the like *Heroes* and *Generals* who fill the Earth with *War*, if That be *Violence!* And no Doubt they had *Pretences* then as well as now.

It is generally ſuppoſed, That the *Corruption* of the *World* will be Greater before the laſt Deſtruction by *Fire*, than it was before the *Flood*. And our Bleſſed *Saviour* ſays, *when He comes, ſhall He find Faith upon the Earth?* The *Time* ſeems to Haſten apace! And do we ſuppoſe that all *Civil Government* will then be Rooted out of the whole *World*, and all *Mankind* Reduced to a *State* of *Equality?* If not, Then ther is no Manner of Argument for ſuch an *Equality*, from the *Corruption* before the *Flood*.

(IX.) We are now to paſs on to the Time after the *Flood*, which is the *fifth Head* of this *Hydra*, p. 152. and Contains the Space between the *Flood* and the *Diviſion* of *Nations*. And here he Proves the *State* of *Equality* from theſe Words only, *Whoſo ſheddeth Man's Blood, by Man ſhall his Blood be Shed.* Whence he would Infer, That the *Sons* of *Noah* had as much *Authority* over their *Father*, as He had over Them, to put Him to Death, if He had been Guilty of *Murder*, as much as He could have *Puniſhed* them; becauſe they were *Men* as well as He, and that the Word *Man* here is General, and belongs to every *Man*, and makes every *Man* Equally an *Avenger* of *Blood*, and a *Judge* over every other *Man!*

Now, Sir, I will give you an Expreſſion like to this, our Bleſſed *Saviour* ſays, *They that take the Sword, ſhall Periſh with the Sword.* Matth. xxvi. 52. And the *Text* you have Mentioned, *Gen.* ix. 6. is Quoted on the *Margin*, to ſhew that Both mean the ſame thing. As likewiſe *Rev.* xiii. 10. *He that killeth with the Sword, muſt be killed with the Sword.* All *Parallel* Expreſſions. And does Mr. *Hoadly* think that the *World* was in a *State* of *Equality*, and no

Civil Government at all in it in our *Saviour*'s Time? As little can he Prove it in *Noah*'s Time, from the like Expreſſion there uſed. And indeed it ſeems rather a Threatning of *Judgement* from *God* in that Place *Gen.* ix. 5, 6. where He ſays that He will *Require* it, that is, *Avenge* the *Blood* of *Man*, at the Hand of *every Beaſt*, as well as at the Hand of *every Man's Brother*. So our *Saviour*'s Saying is to be Underſtood, *That they who take the Sword, ſhall Periſh with the Sword.* And ſo it is Apparently where that ſaying is again Repeated, *Rev.* xiii. 10. which begins, *He that leadeth into Captivity, ſhall go into Captivity.* Then follows, *He that Killeth with the Sword, ſhall be Killed with the Sword.* All referring to the Juſt *Judgment* of *God*, in *Requiring* or *Puniſhing* our *Sin*, in the ſame *Method* by which we have *Sinned.*

Now, Reader, ſee the Difference betwixt Mr. *Hoadly*'s Manner of Arguing and Mine. I go upon *Fact*, plainly Recorded in *Scripture.* He takes hold of ſome general *Expreſſion*, which he Turns to his own Senſe, and thence Argues as from a certain *Topick.* He gathers *Fact* from *Expreſſions*, which he cannot Deny may mean otherwiſe: But I explain the *Expreſſions* by the *Facts.* And in this Method I ask him, whether *Noah* had not the ſame *Government* and *Authority* over his *Children*, after the *Flood* as before? And I have ſhewed before what that *Government* was, even *Civil* Government, moſt Properly ſo Called. And for the *Extent* of it, I have ſet down that known and certain *Rule*, That every *Civil Government* is *Supreme* and *Abſolute*, where ther is no other *Civil* Government that is *Superiour* to it, and can *Controul* it.

But we find *Noah* Exerciſing *Authority*, when he *Curſed* his Son *Ham*, called alſo *Canaan*, for an *Irreverence* and *Undecency* he ſhewed towards his *Father*. Mr. *Hoadly* ſays, p. 44. That this was *Prophetical*, and Extended to the *Poſterity* of *Ham*. It did ſo, and ſhews the Extent of a *Father*'s Curſe. I wiſh all Undutiful *Children* may take Warning, who Expoſe the *Nakedneſs* of their *Father*. For *the Curſe of the Father rooteth out Foundations*, and is Viſited upon our *Children*. This fell ſeverely upon the *Canaanites* (the Poſterity of *Ham)* who were called the *Curſed* Nations, and were *Devoted* by *God* to be *Exterminated*. And *Ægypt*, which *God* likewiſe Deſtroyed, was called the Land of *Ham*. Thus was this Undutiful *Son* Curſed, and his *Poſterity*. But Mr. *Hoadly* can ſee no *Authority* in *Noah* from all this, but thinks *Ham* was upon the Level with his *Father*, and might have *Curſed* Him, for being

Drunk as well as *Noah* Curſed *Him*, for looking upon him when he was Uncover'd in his Tent. Mr. *Hoadly* has done more to his *Father*—— He has not *Covered* his *Nakedneſs*, but made it his Buſineſs to *Expoſe* it, and *Juſtifies* it by *Principle* !

(X.) We are now Come to the Sixth *Head* of this Un-natural *Monſter*, p. 154. To the *Diviſion* of *Tongues* and *Nations*, in which Tranſaction he thinks to find his *Independent* State. This he took from his Maſter *Lock*, who becauſe the Builders of *Babel* ſaid, *Go to, let us make Brick*, &c. would Infer, that the whole *Earth* was then in a *State* of *Equality*, or without any *Civil Government* among them. Which Argument Mr. *Hoadly* here purſues, p. 154, and 155. The whole Streſs lying in this, That their *Commander* or *Governour* is not there Named, whence he Concludes that they had none, but were all upon the *Level*, in a State of *Equality*.

But he forgets that he had given up this Argument before, p. 47. where he ſays, "I do not Deny but that a Body of "Men may ſpeak to one another, and "encourage one another in doing what "their *Governours* Command; or that the "*People* may be ſaid to do what is Con-"ſulted, and *Commanded* by others.

This was the Anſwer the *Rehearſal* Vol. 1. N. *66.* gave to Mr. *Lock.* And here Mr. *Hoadly* acquieſces in it. Well then, what has he more to ſay? His next Words are, "But I appeal to the Particulars of this *Story*, whether here can "be any Command of *Noah* Suppoſed." Why? Who ſaid ther was? The *Rehearſal* ſaid no ſuch thing, nor Pretended to tell who was their *Commander* or *Governour*. Only that the Words Quoted by Mr. *Lock* of *Go to*, &c. did not Prove that they were under no *Command* or *Government*. And it is ſo Allowed here by Mr. *Hoadly*. Who yet goes on in the next Words to *Prove*, That they could not be under any *Government*, becauſe the *Governour* is not there Named! Now Catch this *Eel* if you can! He *Affirms* and *Denies* in the ſame Breath! But becauſe he would *Prove* ſomething, he ſpends three *Pages* here p. 46, 47, 48. and two more, p. 154, and 155. to ſhew the Improbability of *Noah*'s Commanding the Building of *Babel*, which no body had Aſſerted! For one *Chapter* with him is the *Repetition* of Another —— And all of the *Firſt!*

But I will Diſpatch the Buſineſs of *Noah* here. And I will not let you Ramble, Sir, becauſe I will not Ramble with you. Therefore you may go on 20 Pages more if you pleaſe to Prove that *Noah* did or did not Order the Building of *Babel*, that He was or was not their Leader at that Time, take which Side of the Queſtion you pleaſe, and Prove it Backwards and Forwards, as Suites your Fancy beſt; and I will not Oppoſe you, nor Anſwer you one Word. Becauſe it ſignifies not one Groat to our Queſtion, whether it was the one way or the other. For your Point is to prove an *Independent* State of *Nature*, when all *Mankind* was upon the Level, without any *Civil Government* among them, or any one that had *Authority* over Another. But you love to play the *Truant*, and make any Excuſe to Wander from your Buſineſs.

(1.) As p. 50. which you Employ upon an Ingenious Queſtion you found out, being Cunning, *viz.* That when the World was Divided into *Nations*, you ask, what became of *Noah* and his Three *Sons*? For the World was Divided among their *Sons*, whence it came into your Head, that *Noah* and his *Sons* had loſt their Authority, and became *Subjects* to their *Children* and *Grand-Children*. And you are very *Witty* upon this, and Cry, *What a mean Figure muſt* NOAH *make, who, the Minute before was Univerſal Monarch, and now is left Deſtitute of a Foot of Land, or an Handful of Subjects? What? muſt* NOAH *become a Subject to his Grand-Children?* &c. And you go on *Triumphing* upon this a whole *Page* together! But, Sir, have you never heard of Great *Monarchs* who have had *Kings* under them? You may find ſuch now in the *Eaſt*. The *King* of *Pruſſia* is Subject to the *Emperor*. Therefore *Noah* might have been *Univerſal Monarch* ſtill, after the *Diviſion* of *Nations* as well as before, and I doubt not was ſo as long as he Lived. And the *Sons* of *Shem*, *Ham*, and *Japhet* might be ſubject, each to their *Father*, and yet be *Independent* of each other afterwards, and ſo make up Seventy *Nations* or *Kingdoms*, all *Independent* of one another. And thus the World might have been, and thus the World was *Divided* into ſeveral *Nations*. But, Sir, I was not obliged to give you this Account, which, it ſeems, you could not Think upon! For ſuppoſe *Noah* had been *Depoſed* by his *Children*, as ſome of his *Sons* have been ſince. What then? Would this have Proved an *Independent* State of *Nature*, and that ther was no *Government* then in the *World*? For *Revolutions*, Good or Bad as they are, do not Deſtroy *Government*, only Change *Hands*. So that you are ſtill *Straying* from your *Subject*.

(2.) You have another noble Stroke at this *Diviſion* of *Nations*, p. 51. Where you Obſerve that *Thirteen* of the *Seventy* Named *Gen*. x. were not Born when the

Diviſion was made. Well. What then? What uſe do you make of this? —— Hold, Sir, before you Anſwer I will tell you one uſe may be made of it, which is, That theſe *Thirteen* were not Choſen by the *People!* I think this is pretty Plain —— Now go on, and tell us what you would make of this. Will it follow that ther was no *Diviſion* at the Time when the *Diviſion* was ſaid to be made? No. I believe Mr. *Hoadly* will not ſay That. How then are we to Underſtand it? Who could Name *Thirteen* Men before they were Born? I know none could do it but *God* Almighty *Himſelf*. Who reſerved Thirteen *Nations* yet to come (the *World* not being yet fully *Peopled* at the *Diviſion*) and Named their *Rulers* before they were Born. Which I hope will Stop the Strife about their *Election* by the *People!* But whatever becomes of this, will it follow, That there was no *Government* then in the *World*, but all *Mankind* in a State of *Equality* and *Independency?* For I muſt ſtill Recal you to your *Point*, which you are ſo Apt to *Forget*, and would have your Reader to *Forget* it too.

(3.) In Order to which you throw in another Bone, p. 51. That ſome *Nations* are Named among the *Perſons* in the xth of *Geneſis*, as the *Jebuſite*, *Emorite*, and *Girgaſhite*.

gaſhite. And thence Infer that it was *Moſes*'s Deſign to ſhew from which of the *Sons* of *Noah* every *Nation* was Deſcended. That is Granted you. And what do you make of it? Will it follow that theſe *Nations* had no *Governours*, or that the *World* was then in an *Independent* State? Suppoſe one of the Sons of *Canaan* was called *Jebus*, from whom came the *Jebuſites*, and inſtead of ſaying that *Canaan* begat *Jebus*, it is ſaid that *Canaan* begat the *Jebuſite*. Gen. x. 16. *Jeruſalem* was called *Jebus*. 1 *Chr*. xi. 4, 5. propably from *Jebus* the Father of the *Jebuſites* who Dwelt there. But all this is Triffle, and Nothing to the Purpoſe.

(4.) The next Stroke is p. 52. And it is a Notable One. And he makes a Diſtinct *Head* of it. All that I have Named are under ſeveral *Heads*, but I Name them not, they are ſo many. This is *Head*. 8. where he ſays, " Suppoſing the *Hiſtorian* " to have had his Eye upon what was " done immediately upon the *Confuſion* of " *Languages*, it is not to be Imagined that " he would have told this (the *Diviſion* " of the *Nations)* before he gave Account " of that *Confuſion* of *Languages*.

I know not how this *Author* does *Imagine*. But moſt Certainly it was ſo. For the *Diviſion* of *Nations* is told *Gen*. x. And the Building of *Babel*, and the *Confuſion* of *Languages* thereupon is in the xi *Chapter.* The *Rehearſal* took Notice of this, and ſhewed that ſeveral things are told in *Scripture* (as in other *Hiſtories*) without always obſerving the *Time* in which they were done. And among other Inſtances he Names *Joh.* xix. 18. where it is ſaid, *they Crucified him.* And *ver.* 23. *When they had Crucified Jeſus.* Yet *ver.* 25, *&c.* Several Paſſages are told which Preceded his Death. Upon which Mr. *Hoadly* makes a Diſtinction betwixt his *Crucifixion* and his *Death.* And ſays that thoſe Paſſages were after His *Crucifixion* but before His *Death,* that is, ſays he, *He remained upon the Croſs ſome Hours before He died.* But Mr. *Hoadly,* if He had been taken down from the *Croſs,* and ſuffer'd to Eſcape, I ſuppoſe it had not been ſaid that He was *Crucified.* And I believe every Man in the World without Exception, when he Reads thoſe Words, *When they had Crucified Jeſus,* means His *Death* as there told.

But you Quote in this ſame Place the *Rehearſal,* Vol. 1. N. 66. whence you took this. And the very next Words after what you have Quoted gives you another Inſtance beſides that of the *Crucifixion.* And I could Undertake to give you *Twenty* more of the like, if any thing of our Diſpute depended upon it. But to ſhew your Exquiſitneſs at Anſwering, and that you fail not to take in all that your Opponent Urges, I will ſet down that Paragraph in that ſame *Rehearſal*, of which you take not the leaſt Notice, and it is this, after giving that Inſtance of the *Crucifixion*, he brings the Matter to the very Point now in Hand, the *Diviſion* of *Nations*, and the *Confuſion* of *Languages*, and ſays,

"And thus it is ſaid *Gen.* xi. 1. *And* " *the whole Earth was of one Language, and* " *one Speech.* And *ver.* 6. *The People is one,* " *and they have one Language.* Yet *Chap.* x. " 20. 31. it is ſaid, the *People* were *Di-* " *vided* after their *Tongues.* So that what " is Related *Chap.* xi. Refers to the *Time* " before the *Diviſion* mentioned in the " x *Chapter.* Where the *Diviſion* of the " *Nations*, by their *Languages*, being told, " the Holy *Pen-Man* goes on, in the next " *Chapter*, to ſhew upon what *Occaſion* and " by what Means, this *Diviſion* of *Langua-* " *ges* was Effected.

Thus the *Rehearſal*. But you found this too Hard for you, and ſo let it ſlip —— And choſe to Nibble a little upon the Word *Crucifie*, to Amuſe your Reader! And to Conclude with your uſual *Aſſurance* in the next Words,

"From what hath been ſaid it is *Evi-* " *dent* beyond all *Contradiction*, that this " *Chapter* cannot be an *Account* of *Seventy*

" Independent *Monarchs* made ſo, at the " Diviſion of *Nations*, by *God* Almighty.

And will you not give me leave to ſay, in my Turn, that it is *Evident* beyond all *Contradiction*, That you, Sir, have not found your *Independent* State in all this? And therefore that you have been but Beating the Wind in the Mighty *Pains* you have taken!

Was the World in an *Independent* State, at the Time mentioned in the xth of *Geneſis?* When *Nimrod* was *King* in *Babylon*, and *Aſhur* Built *Nineveh*, the Seat of the *Aſſyrian* Monarchs. Both which are Mentioned in that *Chapter*. And from *Nimrod*, in Profane Hiſtory called *Belus*, we have the Names of all the *Monarchs* and their *Succeſſion*, to the end of the *Aſſyrian Monarchy*. And after that of the *Medes* and *Perſians*, the *Greeks* and *Romans*, and from the Diviſion of the laſt into the *Eaſt* and *Weſt*, to the preſent *Emperour* of *Germany*, and the *Sultan* at *Conſtantinople*. And not a *Craviſe* in all that way to let in your *Independent* State! But *Cities* and *Countries* and *People* then firſt Named after their *Founders*, *Fathers*, and *Rulers*, were known by the ſame Names in after Ages, and ſome Remain unto this Day. Here *Babylon* had its Name, and *Nineveh*, the *Aſſyrians* from *Aſhur*, the *Canaanites* from *Canaan*, the *Hebrews* from *Heber*, &c.

(5.) But Mr. *Hoadly* ſays to this, *ibid.* p. 54, 55.

“ It doth not ſignify much to alledge
“ that ſome of the *Nations* long retained
“ the *Names* of ſome of the *Perſons* here
“ mentioned: For this might be, ſuppo-
“ ſing thoſe *Perſons* only the *Originals* of
“ theſe *Nations*, as well as ſuppoſing them
“ to have been the Arbitrary *Monarchs*
“ of theſe *Nations*, appointed by *God*.

You ſay, this *might be* — A faint ſort of Proof! And from this you draw *Evident* and *beyond Contradiction* Proved! But you own theſe *Perſons* from whom *Nations* were called, to have been the *Originals* of theſe *Nations*. And that is a fair Step towards their being *Governors* alſo. For who ſo proper to *Govern* as the *Original*? And when we find ſome of theſe *Originals* called alſo *Kings*, and the Beginning of their *Kingdoms* told in this ſame *Chapter*; and find in Hiſtory their immediat *Succeſſors* upon their *Thrones*, and ſo on, what Reaſon have we to Doubt of the *Originals* being *Kings*? And ſo of the *Originals* of other *Nations* there Named, though the Word *King* or *Kingdom* be not added to every one of them. Eſpecially when we have ſuch a *Comment* upon the *Text* as *Ecclus.* xvii. 17. Which ſays that *In the Diviſion of the Nations of the whole*

whole Earth, God ſet a Ruler over every People.

(6.) To this ſays Mr. *Hoadly*, p. 55. "This is manifeſtly intended to ſignify "the Difference between God's dealing "with other Nations, and with the People of *Iſrael*, for it follows immediatly! "*But* Iſrael *is the Lord's Portion*, by way "of Oppoſition to the Government of o"ther Nations.

It is true that *God* did ſhew a particular Regard to the *Iſraelites* more than to other Nations. He eſtabliſh'd His *Church* in them, and Preſided over them Himſelf immediatly. And this all along from *Heber* the Son of *Shem*, from whom they were called. It is generally ſuppoſed by Learned Men that *Shem* was that *Melchiſedec* who met *Abraham*, and was *King* of *Salem* and *Prieſt* of the moſt High *God*. And from *Abraham* to *Moſes* there was a viſible Hand of *God* over the *Patriarchs* and that *People*, whom *God* called His *peculiar People*. And he had that Regard for them, that He *Divided* the *Nations* into that Number of the *Iſraelits* which went down into *Egypt*, that was Seventy, ſo many Ages after. As *Moſes* ſays, *Deut*. xxxii. 8, 9. *When the moſt High divided to the Nations their Inheritance, when He ſeperated the Sons of* Adam, *He ſet the Bounds of the People according to* *to the Number of the Children of* Iſrael. *But the Lord's Portion is His People*, Jacob *is the Lot of His Inheritance.* This is Repeated *Ecclus* xvii. 17. And the meaning is the ſame. That *God* ſet a *Ruler* over each of the other Nations, but took *Iſrael* into His own particular Care, whence their *Government* was called a *Theocraſie*, or the *Government* of *God*. Yet had they *Rulers* under *God*, whom *God* Choſe and Directed.

But how is this an Objection againſt the *Diviſion* of *Nations*? And how does it hinder that *God* ſet a *Ruler* over every *People* in that Grand *Diviſion* of the whole *Earth*? Did *God's* taking one of theſe *Nations* for His *Inheritance* more peculiarly than the Reſt, import that there was no ſuch *Diviſion*, or rather certainly Imply that ther was? Mr. *Hoadly*'s Anſwer to this is very *Perplext*. You will have much ado to know what he means; for after Repeating theſe laſt Words of the Text, *But* Iſrael *is the Lord's Portion*, he ſays,

" This therefore could not poſſibly re-
" late to the Time of that Diviſion of
" Nations under their ſeveral *Monarchs*;
" which *Moſes* is, by this *Scheme*, ſuppoſed
" to have Related, *Gen.* x. Becauſe in
" that *Chapter* are mentioned *Arphaxad*,
" and *Eber*, and *Peleg*, from whom *Abra-*
" *ham* and his Poſterity, the *Iſraelites*, de-

" ſcended; who muſt therefore, according
" to this *Scheme*, be *Monarchs* of the ſame
" ſort with thoſe of other Nations there
" ſuppoſed to be mentioned. And if ſo,
" how can this *Text* ſay that at this *firſt*
" *Diviſion* God ſet *Monarchs* over other
" Nations, but not over the Forefathers
" of the *Iſraelites*; as it *muſt do*, if it be
" any thing [to the Purpoſe for which it
" is alledged.

But why *muſt* it *do this*? I ſee no Reaſon at all. It neither *Muſt* nor *Does* do it. For *Heber* was *Ruler* over the *Hebrews* deſcended from him, as well as others mentioned in the tenth of *Gen.* And yet the *Government* of the *Hebrews* might be a *Theocraſie* more peculiarly than that of any other *Nation*, as we find it in his *Poſterity*, in *Abraham* and the *Patriarhs*, and *Moſes*, and the *Judges*, and the *Kings* of *Iſrael*, till *God* forſook them.

But his ſecond Reaſon is ſtronger, he ſays, *p.* 55.

" If it reſpect the *Iſraelites*, as the Chil-
" dren of *Iſrael*, properly ſo called many
" Ages after this *firſt Diviſion*; then the
" former part of it cannot reſpect the
" Time of the *Confuſion* of *Tongues*, and
" *Diviſion* of *Nations*.

And yet it muſt reſpect that Time, and no other Time —— Unleſs you can ſhew another Time, when the *Whole Earth* was *Divided*

Divided into *Nations*, as the former part of the *Text* ſays, *In the Diviſion of the Nations of the whole Earth* —— But the Children of *Iſrael* properly ſo called were not then Born. What then? They were the ſame *People* that before (and after too) were called *Hebrews* from *Heber*, and were the *Peculiar People*, and under a more Particular *Theocraſie* than other *Nations*, before *Jacob* who was called *Iſrael* was Born, after whom they were called *Iſraelites* —— But never *Jacobites*, as the late Lord Biſhop of *Ely* (Dr. *Pattrick*) has ſmartly obſerved in his Comment upon *Gen.* xxxii. 28. —— I have before ſhewed the Opinion of Learned Men, that *Shem* was *Melchiſedec* who met and Bleſſed *Abraham*. And then we may reaſonably ſuppoſe that *Eber* who was Great Grandſon of *Shem*, was alive in *Abraham*'s Time. And none will Deny but that *Abraham* and his Poſterity were under a very particular *Theocraſie*. So that the Deduction is very ſhort, *Shem*, *Eber*, *Abraham* (all alive together) *Iſaac*, *Jacob*, who was called *Iſrael*, and begat the twelve *Patriarchs*. But ſuppoſe none of this Branch of the Poſterity of *Shem* had been taken by *God* as His *peculiar People* till *Jacob* had his Name changed to *Iſrael*, yet might not *God*, in the *Diviſion* of the whole *Earth* have Reſpect to this *People* (in whom He deſigned to Set up His *Church)* tho' ſo long before they were in Being? *Moſes* ſays He had, and begins his *Song* with this, the great Regard *God* had to that *People* ſo long before, as he ſays, *Deut.* xxxii. 7. *Remember the Days of Old, conſider the Years of many Generations, ask thy Father and he will tell thee, thy Elders and they will ſhew thee; When the moſt High divided to the Nations their Inheritance, when He ſeparated the Sons of Adam, He ſet the Bounds of the People according to the Number of the Children of Iſrael*, viz. His *Seventy* Sons who went down into *Ægypt*. With Reſpect to whom *God* divided the *World* into *Seventy Nations* ſo many Ages before this Event came to paſs.

To this ſays Mr. *Hoadly*, p. 54. " That " this *Text* ſpeaks nothing of *God*'s ap- " pointing *Rulers* over the *Divided Na-* " *tions*, but only of his appointing the " *Bounds* of the ſeveral *Nations*.

Now he ſlips from the other Text *Ecclus.* xvii. 17. which ſays Expreſly that in this *Diviſion* of the whole Earth, *God* did ſet a *Ruler* over every one of theſe Divided *Nations*. Well, but then that Text *Deut.* xxxii. 8. does not *by it ſelf* prove this! This is Mr. *Hoadly*'s conſtant Anſwer, that ſuch a *Text* does not *by it ſelf*, or, *this only* does not Prove —— As if one *Text* were not to be Explained by another! Or that every time any *Fact* is Named, the whole muſt be again Repeated with all it's *Circumſtances!* Thus *Moſes* gave a particular Account of the *Diviſion* of *Nations*, Gen. x. And *Chap.* xi. tells the *Occaſion* of it, the Building of *Babel*, and the *Confuſion* of *Languages*. And Mr. *Hoadly* would have him Repeat it all over again, when he mentioned it. *Deut.* xxxii. 8. Elſe, ſays he, that *Text* does not Prove, taken *Alone*, and *Singly by it ſelf!* So that it will be very Hard to fix Mr. *Hoadly!* But, Sir, every body does not think perpetual *Repetitions* ſuch an *Elegancy* as you do! Nor ſuſpect that their Readers have no *Memories!* But it is a Neceſſary Help when one has little to ſay, and yet would ſay a great Deal, and ſpread *Two* or *Three* common Thoughts into a *Voluminous* Work! Some deſire to ſay *Much* in *Little*. And you ſay *Little* in *Much*. Every Man in his Way ——— Ther is no help for theſe things. You know how to Pleaſe the *Long-Winded* Tribe, who Care not what *Coin* they get, ſo they have Enough for their *Money*. And if it be not *Good*, you give them the *More* of it! You lay it on *Thick* and *Thin!* The firſt in *Words*, the laſt in *Meaning!*

In the ſame p. 54. You Argue as if ther was no great Matter in that *Diviſion* of *Nations* mentioned by *Moſes*, nor any thing Obſervable in it, as being brought about in Tract of Time, by the Common Methods of Providence. Thus you Interpret that Expreſſion of *Moſes* in the above Cited *Text*, of *God*'s appointing the *Bounds* of the ſeveral *Nations*.

" Which certainly *(ſay you)* at this Day " depend upon His good Pleaſure, and " may be *Equally* ſaid to be Appointed by " Him, tho' He do not Immediatly Inter- " poſe, and Mark them out Himſelf, but " only by His *Providence* diſpoſe the Af- " fairs and Minds of Men ſo, as that they " ſhall be what He ſees fit, and what " may anſwer His own wiſe Purpoſes.

By this the Paſſage here Mentioned by *Moſes* of *God*'s Dividing the *Nations*, and Appointing their *Bounds*, as ſo *Extraordinary* a thing, and ſo wonderfully *Remarkable* with Reſpect to the Children of *Iſrael*, here Recorded in his *Song*, for Ever to be Repeated in *Iſrael*, and Introduced with ſo Solemn a Preface of Obſervation and Attention as before recited, *Remember the Days of Old*, &c. I ſay all this, by Mr. *Hoadly*'s Senſe of it, meant Nothing at all, nor had any Reſpect to the Children of *Iſrael*, more than to any other *People*, that is indeed to no Body. For what News was it to tell them, That ther were ſeveral *Nations* in the World, and that Each had their *Bounds*, and that theſe *Bounds* might Alter or Change in the common Courſe of *Providence*, as we ſee it done every Day? If this was all the Meaning, it was a *Wonderful* and *Remarkable* NOTHING upon which *Moſes* laid ſo Great a Streſs! But he had told them before *Gen*. x. 25. That this *Diviſion* of *Nations* was done at one *Time*, when *Peleg* the Son of *Eber* was Born, whence he had his *Name*, which ſignifies *Diviſion*, *for in his Days was the Earth divided*. But Mr. *Hoadly* might call his own Son *Peleg* at this Rate, for he has ſeen *Diviſions* in his Time, and the *Bounds* of *Nations* Altered!

Having thus Intirely Demoliſhed the Authority of *Moſes* in this Matter! He draws this Safe, Certain, and Modeſt *Concluſion* upon the Whole, where Speaking of theſe Quotations from *Moſes*, he ſays,

" And therefore they can be of no Au-
" thority in a very Material Point, in
" which *Moſes* himſelf is perfectly *Silent*.
" In which, I ſay, *Moſes* himſelf is perfectly
" *Silent*.

He Redoubles his *Aſſurance*, that we may be *Sure* of it! How *Moſes* meant what he ſaid is one thing, and we have ſeen Mr. *Hoadly*'s Arguments upon it. But to ſay that *Moſes* was *perfectly Silent* in the Matter, and, I ſay, *perfectly Silent* ——— Has ſomething in it Peculiar to Mr. *Hoadly*!

(XI.) We are now come to his *Sect.* viii. which he calls *The Sixth Branch of this Scheme examined.* He makes Abundance of *Branches* of one ſhort *Scheme.* Like the *Hewer* that caſts many *Chipps.* This is upon the *Primogeniture.* And he Refers to what he has before ſaid of it, in the Inſtance of *Cain,* &c. And ſo do I, as to the Anſwers I have given: And will take Notice only of what I find New in this *Section.* He ſpends p. 55, 56, 57, 58. Repeating what he had ſaid before, That *Moſes* was *perfectly Silent* in this Matter. And that he has Proved it *Undeniably, Abſolutely,* &c. —— But I find ſomething *New* and *Extraordinary* at the End of p. 58. where having Allowed of an Anſwer the *Rehearſal* gave to ſome Inſtances wherein the Rule of *Primogeniture* was Poſtponed, as in the Caſe of *David, Solomon,* &c. *viz.* That *God* might Diſpence with His own Poſitive *Inſtitutions* when He pleaſed, which was the Caſe in theſe *Inſtances* Named. Mr. *Hoadly* grants this, but has yet ſomething to ſay. For he asks *God* ſeveral Queſtions about the Reaſon of His Procedure herein. And ſays, ther ought to be *apparent Neceſſity* for *God*'s Diſpencing with, or Neglecting His own *Inſtitutions.* And then Asks,

(1.) "What *Neceſſity* was there here? "Could the Perſonal *Vices* of the Right "*Heir*

“ *Heir* make it *Neceſſary* that he ſhould be
“ Over-looked? Did the Perſonal *Vices* of
“ *Saul* make it *Neceſſary* that his whole
“ Family ſhould be Rejected? Did the
“ *Qualifications* of *David* make it *Neceſſary*
“ that he ſhould be fixed upon?
“ Or of *Solomon* afterwards, who was not
“ the *Eldeſt* Son?

Thus Mr. *Hoadly* —— And till *God* ſhall pleaſe to give him a particular *Account* of His *Procedure* herein, and Satisfie Mr. *Hoadly* what *Neceſſity* ther was for His making theſe *Changes*, I know not what to ſay to him —— But only this, That I have been uſed to think, whatever *God* did was well done, tho' I knew not the *Reaſons* of it. Nor *Dare* I *Ask* Him, where He has not *Revealed* it. And I know not what *Privilege* Mr. *Hoadly* has to do it, unleſs he be gone in with the Men of the *Rights*, and thinks that *God* derives His *Authority* from the *People*, and ſo is *Accountable* to Them for His *Administration*, and to Mr. *Hoadly* as one of them!

(2.) He employs p. 59, 60, 61, 62. to Prove that *Jeroboam* was Appointed by *God* to be *King* of the *Ten Tribes*. In which this Diſpute is not at all Concerned. Becauſe if it was ſo, this is an Act of *God*; and ſo an Exception from the General Rule, like that of *David* and *Solomon*.

Tho' I am ſtill of the Opinion of the *Rehearſal*, that *Jeroboam* was an *Uſurper*. And refer the Reader to what he ſays upon that Subject. Being willing to ſhorten here all I can.

(3.) After this he comes to *Tenthly*, under *Ten* ſeveral Heads, beginning at p. 62. To ſhew that theſe firſt *Kings* were not ſo Great as our *Kings* now, and therefore would have them to be None. He ſays, p. 63. "We find no *Government* either in "*Abraham* or *Lot*, but that over their re-"ſpective Families; nor any Pretence "made by either of them to Superiority "over the other.

I think the Superiority appears plainly to have been in *Abram*. The Command was to Him to go into the Land of *Canaan*, and the *Promiſe* was to Him. *Gen* xii. 1, 2, 3. And *ver*. 5. it is ſaid, That *Abram* took *Sarai* his Wife, and *Lot* his Brother's Son, *&c*. to go into the Land of *Canaan*. And *Abram* continually Directed the Journey, and the Place whither they were to go, and *Lot* followed him. And it was *Abram* put *Lot* from him, upon a Strife between their Herd-Men. *Chap*. xiii. 8. But that is not the Matter now. The Point is, as to the *Kingſhip* of *Abram*. And he being *Supreme* in his own *Family* was *King*, which means no more than *Supreme*, as is told before. And his *Kingdom* or

Family was not Contemptible, who with his own *Trained Servants* Surprized and Defeated Four *Kings*. Gen. xiv. And he Treated with the *King* of *Sodom* as upon the Level with him, and Independent of him. *ver.* 23. And the *Hethites* ſaid unto him, *Hear us, my Lord, thou art a Mighty* PRINCE *amongſt us.* The *Seventy* Reads it Βασιλεὺς *King*. Gen. xxiii. 6.

And he was *Abſolute* over his *Subjects*. If *Iſaac* had not thought him ſo, it is not likely that he, a Young Man 25 Years Old, would Quietly have Suffered an Old Man of 125 Years of Age, to *Bind* him, and lay him upon an *Altar* to *Kill* him, when none were Preſent but they Two alone on the Top of a Mountain. And it is Plain that *Iſaac* knew nothing of his *Father*'s Intention, till they came to the very Place; for as they were going thither, and the *Wood* of the *Burnt-Offering* laid upon *Iſaac*, he ſaid to his Father, *Behold the Fire and the Wood, but where is the Lamb for a Burnt-Offering?* And *Abraham* gave him no other Anſwer, but that *God would provide himſelf a Lamb*. Gen. xxii. But the Authority of a *Father* and a *King* is ſomewhat Abated ſince thoſe Days! Had *Iſaac* been a *Whigg*, he had never Inherited the *Bleſſing*, he would have held up *Magna Charta* againſt the *Old Man*, and Pleaded *Original Contract*, and the *Independent State* of *Nature!*

ture! Mr. *Hoadly* would have Taught him to Diſpute his *Father*'s Title (he might make him an *Vſurper*, as he did *Adam*, if he had not the free Conſent of all his *Subjects*, or if he *Tyrannized* afterwards) he would have told him that he was not a *King*, or if he was, yet that he had not an *Abſolute Vnlimited Power* to put an *Innocent* Perſon to Death, at his own meer Will and Pleaſure! Or that *Iſaac* was not Obliged to take his Word (if he told him) that he was ſo Commanded by *God*. Mr. *Hoadly* would have called it *Bigottry* in *Religion*, which (*Preface*, p. v.) he makes a *total Forfeiture* of *Authority!* And *Iſaac* being next to Succeed, as the *Heir* of the *Promiſe*, he might then have Immediatly come into *Poſſeſſion!* Thus the *Looſer* the *Prince*, the *Better* —— And his *Authority* is *Securer!* But have a Care of *Religion* for then Comes in *Bigottry!* And that is a total *Forfeiture!* It wou'd be thought *Bigottry* now, if a Man ſhould pretend a Command of *God* to Kill his *Son*.

But, Mr. *Hoadly*, We have ſtill ſome Remainder left of theſe Ancient *Kingdoms* in *Families* or *Clans* among the *Indians* in *America*, where we find leſs Powerful *Kings* than *Abraham* in his *Family*. And like Him they have no ſettled Bounds of their *Kingdoms*, which are not tyed to ſuch a particular *Place*, but they are *Itinerant*, and move from one *Country* to another. Yet we call them *Kings*, and they are ſuch. And their Power is *Abſolute* over their own *Dependents.*

(4.) This may help to let Mr. *Hoadly* ſee the Solution of a Difficulty he ſeems not to Underſtand, p. 64. where he Inſiſts largely upon *Abraham*'s Purchaſing a Field from the Children of *Heth.* Gen. xxiii. Whence he ſuppoſes, That they muſt be in a State of *Independency*, becauſe ther is no *King* or *Governour* Named, but that he tranſacted with the *People* of the *Land.*

But this will no more Prove that they had no *King* or *Governour* among them, than that the *Indians* have none, becauſe it is ſaid every Day, That We have Peace or War with the *Indians* of *Canada*, or the *River Nations* that is, who live upon ſuch a *River*, and yet their *King* was here with us the other Day. So it is ſaid, We have War with *France* or *Spain*, &c. Have they therefore no *King* or *Government* among them? ſuch Phraſes and common Ways of Speaking will not prove *Facts.*

(5.) Then he proceeds p. 65. to *Gen.* xxxvi. Where ſeveral *Kings* of *Edom* are Named, and *not one of them* (ſays he) *Succeeded by Right of* PRIMOGENITURE, *or had any Relation to his Predeceſſor.* How does he Prove this? He ſays, *as far as appears*, that is, it is not ſo ſaid in that *Chapter.* Then, *as far as appears,* they might have had *Relation* to their *Predeceſſors,* and by *Primogeniture* too, for the Contrary is not ſaid, nor how theſe *Kings* ſtood *Related* to each other, whether of *Whole* or of *Half Blood,* or for want of more Immediate *Heirs.* But the *Dukes* of *Edom* are particularly Named in that *Chapter,* and their Deſcent from *Eſau.* And *Duke* is as good a Name as *King* where it is Uſed to expreſs *Sovereign* Authority. Thus the great *Duke* is the ſame with the *Emperour* of *Moſcovy.* But ſtill here was *Government,* whether the *Governour* was called *King* or *Duke,* or by whatever other Name. And the *Independent* State is left Quite behind.

Grotius ſays all the Difference between theſe *Kings* and *Dukes* of *Edom* was that the *Kings* had *Crowns,* but not the *Dukes.* And he is of Opinion, That theſe *Kings* were not of the Poſterity of *Eſau.* But I rather think with *Cornel. a Lapide* that they were, and *Job* one of them, Great Grand-Son to *Eſau.* And in the *Genealogy* there Reckoned, it is frequent in that very *Chapter* to Denominate the Sons by their *Mothers,* which when *Polygamy* was uſed, did Diſtinguiſh them the better. And *Gen.* xlvi. the *Sons* of *Jacob* are called the *Sons* of their *Mothers.* And even in *David*'s Time, *Joab, Abiſhai,* and *Aſahel,* are called the *Sons* of *Zerviah* who was their *Mother*. i *Chron*. ii. 16. They were always called ſo, and their *Father* is no where Mentioned. This may Solve theſe *Kings* of *Edom* not being Called the *Sons* of each other, and yet they might be ſo, tho' by different *Mothers*. But if it be all in the Dark Mr. *Hoadly* can make no uſe of it. Therefore we go on,

Here alſo we may ſee how the World came to be Peopled in thoſe Days, for it is ſaid in the ſame *Chapter*, *ver*. 6, 7. That *Eſau* took *his Wives and his Sons and his Daughters and all the Perſons of his Houſe, and his Cattel, and all his Beaſts, and all his Subſtance, which he had got in the Land of Canaan; and went into the Country from the face of his brother Jacob: for their Riches were more than that they might Dwell together; and the Land wherein they were Strangers could not bear them, becauſe of their Cattel. Thus dwelt Eſau in Mount Seir*. And thus we ſee it among the *Indians* at this Day, where ther is more *Land* than *Inhabitants*, they Remove from one Place to another, in *Colonies*, as they find moſt Convenient for *Paſture*, or other Accomodations. And when we come among them, they Diſpute not for Land, ther is more of that than they know what to do with; and they are glad of Neighbours who will live Amicably with them. They poſſeſs *America* like Tenants in Common. And ſo it is with the *Tartars* in the North of *Aſia*, where the Country is but thinly Peopled, and there are vaſt Waſtes of Ground Uninhabited. And ſo it muſt have been in the firſt Ages of the World, and much longer after the *Flood* than the Time of *Abraham*, when the whole *Earth* lay as a Farme to be Occupied by a very few People, in Compariſon of what are Now. And one had Choice of Countries to go to, where he and his wou'd be Welcome upon very eaſie Terms. This was the Caſe of *Abraham* and the *Patriarchs* Sojourning in the Land of *Canaan*, and Travelling from one *People* to another. They ſtill Retained the *Government* of their own *Families* and *Dependents*, and were Entertained as *Neighbours*, not as *Subjects* by the *People* where they Came, none of which they found without *Governours* over them, none in Mr. *Hoadly*'s Independent *State*.

(6.) Of which himſelf gives an Inſtance in the ſame p. 65. N. 6. concerning the *Hivites* another People to whom *Jacob* came, *Gen.* xxxiv. where it is ſaid, that *Hamor* was *Prince* of the *Country*. But Mr. *Hoadly* puts this off with this Remark, that he is only called *Prince*, not *King* of the *Country*. As if *King* and *Prince* were not *Synonimous* Terms even now among us. But you may ſay, That tho' every *King* is a *Prince*, yet every *Prince* is not a *King*.

True. But none is called *Prince* of a *Country*, but he who has the *Supreme Government* of the *Country*. And then it means the ſame as *King*, that is, the *Supreme Governour*, who has ſeveral *Names* in ſeveral *Countries*, as *Duke*, *Prince*, *King*, *Emperour*, *Sultan*, *Sophy*, &c. And I contend not about *Names*. If *Hamor* had been call'd a *Prince* in that Country, ther had been more Room for this *Criticiſm* of Mr. *Hoadly*'s, to have made him only a *Great* or *Eminent* Man in that Country, but being called *Prince* of the *Country*, will not agree to Mr. *Hoadly*'s Diminitive. In the *Greek* it is Ἄρχων the Chief or Sovereign *Ruler*. And his Son *Sechem* being Named with him, and Acting in all that Matter Jointly with him, ſeems to Infer that he was his *Eldeſt* Son, who was to Succeed him, as his offering *Never ſo much Dowry*, &c. At leaſt Mr. *Hoadly* cannot bring any Proof from hence, That that *Government* was not *Hereditary*. And then in vain has he brought this *Inſtance*.

But he Labours it further p. 66. and ſays, That *Hamor* treated with *Jacob* as a *Stranger*, and Independent on him, which *Monarchs* do not do now, but Claim a *Right* over *Strangers* coming into their *Dominions*. I anſwer, not over all *Strangers*, as we did not over the *Czar* of *Moſcovy*, or any of his *Subjects* whom he brought over hither to Attend him. Nor over the Four *Indian Kings* were here laſt Summer. And *Jacob* with his *Sons*, *Family*, and *Dependents*, might be a greater *King* than ſome of them. So that inſtead of *Strangers* Mr. *Hoadly* ſhou'd have ſaid *Stragglers*, who have no Aboad, nor any *Prince* over them. For theſe come to the Share of any *Government* whither they Wander. Beſides what I have ſaid above, That the *Countries* being then thinly *Peopled*, and more *Land* than they cou'd make uſe of themſelves, they might be Willing to Receive *Strangers* among them, by whom they might Benefit. This is the Argument *Hamor* made uſe of, *ver.* 21, &c. *Theſe Men are Peaceable with us, therefore let them Dwell in the Land, and Trade therein, for the Land behold it is Large enough for them,* —— *Shall not their Cattel, and their Subſtance, and every Beaſt of theirs be ours?*

But hence Mr. *Hoadly* frames another Argument, that *Hamor* did not *Command* his *Subjects*, like an Abſolute *Monarch*, but *Reaſoned* with them, and *Perſuaded* them. To which I ſay, That ther is not a *Monarch* in the World, how *Abſolute* ſoever, but wou'd be Willing to have his *Subjects* ſatisfy'd in all his Adminiſtration. But eſpecially in ſuch a Caſe as this, to have all their Males *Circumciſed*, which beſides that it was putting them to Great *Pain*, ſeemed ſo ſtrange a thing, and like initiating them into a New *Religion*, as well as into a New Set of *People*, inſtead of theſe *People* Incorporating with them. It was like giving up not only their *Religion*, but their *Country* to theſe *Strangers* who came to Sojourn among them. And what Wiſe *Prince* wou'd not Endeavour to Satisfy his *People* in ſuch a Caſe as this? They might have thought him downright *Mad* to have *Commanded* ſo *Extravagant* a thing without knowing any Reaſon whatſoever for it, as if he had Ordered them every Man to ſlit his *Noſe*, without Why or Wherefore!

(7.) His *Num.* 7. is in the ſame p. *66.* Where he wonders ther ſhou'd be 33 *Kings* among the *Canaanites*, who were Conquered by *Moſes* and *Joſhua.* But when he Recollects that theſe were the Poſterity of *Ham*, of whom 30 are Reckon'd in the tenth of *Geneſis*, he will not think it ſo ſtrange that ther were 33 of them ſo many Ages after.

(8.) His eighth *Proof* is p. 67. where he ſays it is *Probable*, and then that it is *Plain*, That the Government of the *Gibeonites* was both *Ariſtocratical* and *Democratical* mixt. The *Mixing* theſe two *Oppoſite* ſorts of *Government* is ſomething ſingular. For if it be *Ariſtocratical*, it is not

Democratical, and *e Contra*. Elſe theſe *Two* mean the *ſame*, and ſo the *Diſtinction* is Vain.

But how does he *Prove* that *Either* or *Both* of this *Same* was the *Governmeat* of the *Gibeonites*? Becauſe *Joſh.* ix. 11. it is ſaid that theſe *Meſſengers* were ſent by the *Elders* and *all the Inhabitants of their Country, who ſpoke to them, ſaying*, &c. Here is *Elders*, that is *Ariſtocratical*, and *All* the *Inhabitants*, that muſt be *Democratical*. And did *All* the *Inhabitants* ſpeak to them? What? *Man, Woman*, and *Child*? I doubt here muſt be ſome *Limitation* of this *Expreſſion*. And that Mr. *Hoadly* muſt Recur to what he allowed p. 47. (of which I minded him before) " That *People* may be " ſaid to do what is Conſulted and Com-" manded by their *Governors*. „ Otherwiſe I may ſhew that the *Government* of the *Jews* at that time was both *Monarchical, Ariſtocratical*, and *Democratical*. For *Joſhua* Commanded in Chief, that was *Monarchy*, and in the ſame *Chapter* mention is made of the *Princes* of the *Congregation*, and *ver.* 14. it is ſaid that the *Men*, that is, the *People*, took of their Victuals, or as it is Render'd in our Margin, *They received the Men* (that is the Meſſengers) *by reaſon of their Victuals*. And ſo the *People* were Deceived by them. Here is *Ariſtocratical* and *Democratical* Both. Yet it is Certain that *Joſhua* was ſole *Monarch*, and as *Abſolute* as *Moſes*, that it was *Death* to any who ſhould *Rebell* againſt him, or not *Obey* him *in all that he Commanded*. Joſh. i. 17, 18.

But Mr. *Hoadly* will be apt to ſay, That it was the *People* veſted him with this *Authority*, becauſe they *Conſented* to it. *Anſ.* It was a *Conſent* of *Duty*, not of *Authority*. Of which ſee before, *Sect.* vi. N. 7. For *God* gave *Joſhua* the *Authority*, and *Joſhua Commanded* the People *ver.* 10. before their *Conſent* given *ver.* 16, 17, 18. And *God* did chuſe *Joſhua* by Name to ſucceed *Moſes*. *Num.* xxvii. 18. &c. And the *People* no more Choſe *Joſhua* than they Choſe *Moſes*, whom they Rejected, ſaying, *Who made thee a Ruler and a Judge?* Act. vii. 35.

But to the Point of *Mixing* different ſorts of *Governments*, wherever the *laſt Reſort* is, *That* Denominates the *Species* of the *Government*. If in *One* Man, it is *Monarchy*; if in a *few*, it is *Oligarchy*, and that is *Ariſtocraſie*; if in the Body of the *People*, it is *Democraſie*. And theſe can no more be *Mixed*, than *One* can be *Twenty*, or *Twenty Ten Thouſand*. If the *Government* be *Monarchy*, it is not *Ariſtocracy* or *Democraſy*, and if it be *Ariſtocraſy*, it is neither of the other, and ſo if it be *Democraſy*.

Again, the *Species* of the *Government* is Determined by what is the *Fountain* of the

Government, from which all Inferior *Authority* is *Derived*, to which it is *Accountable* and *Forfeitable*. Thus if the *Original Power* be in the *People*, it is *Democraſy*, tho' ther be *One* called *King* upon the *Throne*, or a *Senat* of *Nobles* or *Commons*. For theſe are but the *Miniſters* of the *People*, *Accountable* to *Them*, and *Deſpoſeable* by Them. Look then Who it is that Grants all *Commiſſions*, and Himſelf has no *Commiſſion* from any in the *Government*: See to whom it is that all *Forfeitures* are made, of *Life* or *Eſtate*; and there you will ſee the *Fountain* and *Original* of *Government*.

Laſtly, The Power of *Puniſhment* is inſeparable from all ſorts of *Government*. And all thoſe upon whom it may be Inflicted, are the *Subjects*. But whoever are, by the *Laws* and *Conſtitution*, freed from all *Coercion* or *Puniſhment*, there the *Supreme* Power is Lodged, and the *Fountain* and *Original* of *Government* is there. From whence only can flow the Power of *Puniſhing* others, and to be *Unpuniſhable* it ſelf.

And where this *Power* was lodged in *Gibeon* (which is Reckon'd as one of the *Royal Cities*, and greater than *Ai*. Chap. xi. 1, 2.) I believe Mr. *Hoadly* will hardly be able to gather from the Words of their *Meſſengers*, who pretended to have come from a very far Country, and *Lyed* in all they told to *Joſhua*, and might have *Lyed* as to their *Government* too; for if they had named their *King*, it wou'd have Diſcover'd their Plot, being ſo near Neighbours. But ther is nothing ſaid of their *Government* in this *Chapter*, and Mr. *Hoadly*'s Inferences are all Precarious.

(9.) His ninth is p. 67. of the People of *Laiſh*, who lived *Careleſs* and *Secure*, without any *Magiſtrate to put them to Shame in any thing*. Whence he wou'd Infer, that they had no *Government* at all, at leaſt he is very ſure it was not an *Abſolute* and *Hereditary Monarchy*. But how does he know that? For there have been Lazy *Monarchs* who did not put the *Wicked* to *Shame* in *any thing*. The Meaning of this Manner of Expreſſion concerning *Laiſh* may be gather'd from the ſame *Verſe* of *Judg*. xviii. Where it is mentioned, it is ſaid, *ver*. 7. *How they dwelt Careleſs, after the Manner of the* ZIDONIANS, *quiet and ſecure, and no Magiſtrate that might put them to Shame*, &c. Now it is Certain ther was a *King* of *Zidon*, 1 *Kin*. xvi. 31. *Jer*. xxvii. 3. And it ſeems that *Laiſh* did belong to his Dominions, for when the *Danites* fell upon them it is ſaid, *Judg*. xviii. 28. That *they had no Deliverer, becauſe it was far from* ZIDON, which ſuppoſes them at leaſt to be ſome way under the Protection of that *King*. But Mr. *Hoadly* lays no great Streſs upon this *Inſtance* of *Laiſh*, and ſays, *I confeſs*

confeſs the Paſſage is ſomething Obſcure. And ſo I think we may leave it.

(10.) And come we now to this Laſt and Great *Inſtance* of the *Kingdom* of *Iſrael*, which begins p, 67, and is carry'd on p. 68. The Sum of which is to ſhew, That ther was an *Elective Monarchy* in *Iſrael*, and that even in *Judah* the *Succeſſion* of the *Crown* did not go by *Primogeniture.* He ſays p. 68. " The Kingdom of *Judah* was not E-" ſtabliſhed in *David*'s *Eldeſt Branch* by " God himſelf; nor would have been con-" tinued in his *Family*, but by a *New* par-" ticular *Divine Command.* „ By this ther was to be a *New* particular *Command* of *God* for every one of the *Sons* of *David* that ſhall ſucceed him, elſe they had no *Right* at all; and ther was no *Entail* of the *Crown* to *David* and his *Sons*. The contrary of which cannot, I think, be more *Plainly* Expreſſed than it is ii. *Chron.* xiii. 5. Where it is ſaid, *That the Lord God of* Iſrael *gave the Kingdom over* Iſrael *to* David *for ever, even to him and to his Sons, by a Covenant of Salt.* And *Chap.* xxiii. 3. *Behold, the Kings Son ſhall Reign, as the Lord hath ſaid of the Sons of* David. And this was to put one out of Poſſeſſion (by Vertue of this *Entail*) who had held the *Crown* ſeven Years.

And as to the *Kingdom* of the *Ten Tribes*, called the *Kingdom* of *Iſrael* after their Revolt under *Jereboam*, he ſays, " It was left void of ſuch a *Rule* (of *Hereditary Mo-* " *narchy*) by *God* himſelf, and the *People* " under no Obligation to keep to it. " That is to ſay, They having Broke the *Rule*, they were under no Obligation of keeping to it! And *God* left them, *to follow their own Imaginations*, or as we ſay of a very *Wicked* Man, *God has left him to himſelf*. But how God approved of this, you may ſee *Hoſ*. viii. 4. Where *God* ſays of theſe ſame *Iſraelites*, *They have ſet up Kings but not by Me*; *they have made Princes, and I knew it not*. To this ſays Mr. *Hoadly*, " They are indeed Taxed with ſetting up " ſuch *Kings* and *Princes* as were diſplea- " ſing to *God*." But, Mr. *Hoadly*, they were not Anſwerable if the *Kings* they Choſe prov'd *Wicked* afterwards. Elſe, Wo to Elective Kingdoms! But if *God* had given them Power to Chooſe their own *Kings*, they cou'd not be Charged with Chooſing according to the beſt of their Skill. And *Vox Populi* had been *Vox Dei* in this Caſe. But what they are Taxed for is, their *Setting up* and *Making*, that is I think *Chooſing* or *Electing* their *Kings*. And it cou'd not have been ſaid, That they did it *without God*, or that He *knew nothing of it*, if He had given them *Au-*

thority ſo to do. To ſay, they *Fail'd* or were *Miſtaken* in their *Choice*, and that This only was their *Crime*, is a pure Addition of Mr. *Hoadly*'s to the *Text*. And Cloggs the *Election* of the *People* at ſuch a Rate, that no *Wiſe* or *Good* Man wou'd be Concern'd in it, to Hazard his *Soul* upon the *Worth* of the *Perſon* whom he Chooſes, or for his Continuing *Good* unto the End.

And if this was the Caſe, the *People* of *Iſrael* had ill Luck, for of their Nineteen *Kings* (which was all they had) ther was not one *Good*. In *Judah* ſome of their *Kings* were *Good*, but of *Iſrael* not *One*. To ſhew the *Inerrability* of the Choice of the *People*, and how far their *Voice* is the *Voice* of *God!* And by Mr. *Hoadly*'s Expoſition of *Hoſ*. viii. 4. *God* did not Approve of any one ſingle *Choice* the *People* made, and Conſequently not of *Jeroboam* their firſt *King*, who was not made *by God*, nor with His *Knowlege* or *Conſent*, if this *Expoſition* be True —— Nor if it be not True. That is, whether you will take Mr. *Hoadly*'s Expoſition of this *Text*, or *Mine*, which is the common Opinion, *viz.* That *God* did here Reprove the *People* of *Iſrael* for their having thrown off the *Hereditary* Government of the *Houſe* of *David*; and taking upon Themſelves to Chooſe their own *Kings*. And indeed the Words cannot be *Screw'd* to any other *Senſe*, tho' Mr. *Hoadly* has done his Beſt.

After this he Over-Hales again what he had ſaid before, by way of Recapitulation, and tells of the *Kings* of *Edom*, &c. up all the way to the Diviſion of *Nations*, and makes ſure of his Point, p. 69. where he ſays, " Nay, what need of more Words, " when it is Plain to a *Demonſtration*, that " there were no ſuch *Monarchies* Inſtituted " by *God* Gen. x. as is pretended. " Then he runs thence as far as *Adam*, and Repeats what we have talked over already, and Concludes all he has ſaid to be *Demonſtration!* This goes on to p. 85. where he begins his Argument from the *Practice* and *Hiſtory* of the *Heathens*.

But before I come to that, I wou'd take Notice of a pleaſant Stroke or Two he has in this, which I have not yet touched upon. The Firſt is in p. 70. N. 5. where making Abſurdities that wou'd follow from the *Eldeſt Son* Succeeding to the Authority of the *Father*, he makes this a Principal One, That it wou'd Infer the *Son* after his *Father*'s Death, to have a *Marital* Authority over his *Mother!* That is, to be his Mother's *Husband!* Without which he cou'd have no *Marital* Authority over her. Upon which I wou'd Adviſe him to Conſult 1. *Kin*. xv. 13. and to tell me, when King *Aſa* Removed his Mother *Maacha* from being *Queen*, becauſe ſhe had made an *Idol*, whether he cou'd do it by Vertue of any *Marital* Authority he had over her? And Mr. *Hoadly* can find no other! I ſuppoſe the Reader will not Expect that I ſhou'd dwell longer upon this Argument. The Caſe of a *Queen-Mother* under the *King* her *Son* being Obvious to every Body. Yet Mr. *Hoadly* is ſo Fond of this New Invention, that he Repeats it over and over again, and p. 85. he puts it into the *Recapitulation* of this his *Recapitulation*.

The other *Rarity* he has found out begins at the End of p. 82. where from 1 *Chron.* 5. 1, 2. it being ſaid, that *Reuben* was the *firſt Born*, but *becauſe he defiled his Father's bed*, his *Birth-Right* was given unto the Sons of *Joſeph* —— For *Judah* prevailed above his Brethren, and of Him came the *Chief Ruler*, but the *Birth-Right* was *Joſeph*'s. Hence Mr. *Hoadly* wou'd Infer, That *Birth-Right* and *Dominion* were *two diſtinct things*, ſo that one might have the *Birth-Right*, and another the *Dominion*. I know no Body will Deny him this, for we have ſeen it in other Caſes beſides this of *Reuben*, as of *Solomon* and *Adonijah*, &c. But what will he Infer from hence? What he wou'd make of it, is, That the *Dominion* was not Annexed to the *Birth-Right*. And ſo the whole Argument of *Primogeniture* falls! But by his good Leave, this Proves the direct Contrary. For I wou'd

Ask him, what was it that *Reuben* Forfeited? Was it his *Birth-Right* it ſelf, ſo as to make his *Younger Brother* Really and Literally *Older* than Himſelf! This is Abſurd and a Contradiction. By *Birth-Right* then muſt be meant here ſome *Right* that belonged to the *Birth*. And that is here Explained to be the *Dominion*. For of *Judah* came the Chief *Ruler*. And if I miſtake not, this Proves that the *Dominion* was Annexed to the *Birth-Right*, that is, in the Common and Ordinary Method. But *God* might Alter this in what *Inſtances* He pleaſed, as in this Caſe of *Reuben*, ſo of *Adonijah*, whoſe *Birth-Right*, that is, to the *Crown*, was given by *God* to *Solomon*. And *Solomon* did not Deny the *Right* of *Primogeniture* to be in *Adonijah*, for he ſaid, 1 *Kin.* ii. 23. " Ask for him the *King-* " *dom* alſo, for he is mine *Elder Brother*." So that the *Birth-Right* and the *Dominion* did here mean the ſame thing. But *God* did Transfer, not the *Birth*, but the *Right* of the *Birth* to *Solomon*, as in the former Caſe of *Reuben*. Yet Mr. *Hoadly* ſays, p. 84. " That the *Birth-Right* forfeited by " *Reuben* was a thing wholly Diſtinct from " *Civil Rule* and *Dominion* over his Bre- " thren. And (ſays he) This is a plain " *Text* (1 Chr. 5 1.) and without any " Obſcurity; making a Diſtinction be- " tween them. And I challenge the grea-

" teſt *Patrons* of this *Scheme*, to produce " one, ſo free from all Exception, which " makes the *Birth-Right*, aud *Civil Dominion*, the ſame thing," Thus Mr. *Hoadly*. And the very *Text* he names 1 *Chr*. 5. 1. Proves them to be the ſame in this Senſe, That *Dominion* was annexed to the *Birth Right*, in the ordinary Courſe of *Succeſſion*; and in no other Senſe did any ever ſay they were the ſame: This is one Inſtance, among many more you have ſeen of Mr. *Hoadly*'s Method and Aſſurance of Argument! Let him if he can, give any other Senſe of this *Text*. If he cannot, to what Purpoſe did he bring it in? Or how does it Militat againſt the Rehearſals. He Objects againſt his Meaning of it, but gives none other himſelf. And indeed his whole Argument is to make *Nonſenſe* of that *Text!*

He makes himſelf Merry with that Part of it, the *Birth-Right was Joſeph*'s. Whence he wou'd Infer, p. 84. That if by *Birth-right* his *Dominion* was meant, then, ſays he, " Another very Unlucky thing follows " from this *Text*, That a *Birth-right* may " be given to more than One, and be di- " vided between *Two* (*i. e.* the two *Sons* " of *Joſeph*) according to the *Letter* of the " *Text* —— Nay between *Ten Sons* of the " ſame Family; for the *Right* to *Govern*, " was fixed to no one of the *Ten Tribes*."

How *Pleaſant* is Mr. *Hoadly* upon this *Text?* And how does he mend the Matter? For if by *Birth-right* here is not meant the *Dominion*, but *Literally* the *Primogeniture* only, then it will follow (according to Mr. *Hoadly)* That each of theſe *Ten Tribes* was the *Eldeſt*, and by the ſame Conſequence, each was the *Youngeſt!* Whether is this *Eaſier*, than that the *Poſterity* of *Ephraim* (the *Son* of *Joſeph)* ſhould obtain the *Dominion* of the *Ten Tribes*, thence called *Ephraim?* And that this ſhould be the Meaning of the *Birth-right* in this *Text?* And then *Birth-right* and *Dominion* are *Synonimous* Terms.

And to ſhew further that they are ſo, we find the Title of *firſt-Born* given to thoſe who had the *Dominion*, tho' they were not the *firſt-Born*. Thus *Iſrael*, that is, *Jacob*, was called the *firſt-Born*, *Exod.* iv. 22. *Thus ſaith the Lord, Iſrael is my Son, even my firſt-Born.* Tho' it is Plain that *Eſau* was Naturally the *firſt-Born*. And thus *Manaſſeh* was the *firſt-Born* of *Joſeph*, yet his *Younger* Brother *Ephraim* is called the *firſt-Born*. *Jer.* xxxi. 9. *Ephraim is my firſt-Born.*

And thus in our Common way of Speaking, the *firſt-Born* and *Heir* are *Synonimous* Terms, becauſe it is ſo in the common Courſe. But if the *firſt-Born* be *Diſinherited*, and the *Younger* Succeeds to his *Father*, he is called the *Heir*, which is the ſame as *firſt-Born*, that is, he comes into the *Privilege* of the *firſt-Born*.

And this is ſuch an Eſtabliſhed Notion every Where, That if the *Younger* Succeeds in the *Dominion*, or to an *Eſtate*, it looks Strange, and People are apt to Inquire into the Reaſon of it, and it ſeems an *Injury* done to the *Elder*. But none think it an *Injury* done to the *Younger*, when the *Elder* does *Inherite*, and it is called his *Birth-Right*.

It is told ii *Chron*. xxii. 1. That *Ahaziah* the *Youngeſt Son* of *Jehoram* did Succeed him in the *Kingdom*, but the Reaſon is given in the ſame *Verſe*, becauſe the *Arabians* had *Slain all the Eldeſt*. Which ſhews it was then Eſteemed the *Right* of of the *Eldeſt* to *Reign*. As it is ſaid, ii *Kin*. iii. 27. *He took his Eldeſt Son that ſhould have Reigned in his Stead* ——

But to Return, Mr. *Hoadly* Objects in the ſame p. 84. That the *Kingdom* of *Iſrael*, that is, of *Ephraim* or the *Ten Tribes*, was *Elective*, and therefore that the *Dominion* of *Ephraim* was not *Hereditary*. Well, what has this to do with the *Birth-right*, or what the Privilege of That was? Or what was meant by it in that *Text* 1 *Chron*. v. 2? But if it was *Dominion*, tho' over an *Elective Kingdom*, it was *Dominion* ſtill. And continued ſtill in the *Poſterity* of *Ephraim*,

Ephraim, tho' it often Changed Hands, and went from one *Family* to another. But this *Kingdom* was not ſtrictly *Elective*. It is called *Elective*, becauſe the firſt Riſe of it was ſuch under *Jeroboam*. And becauſe the *Hereditary* Succeſſion of their *Kings* was ſo often Interrupted by *Treaſons* and *Rebellions* of the *People*. But otherwiſe, *Hereditary* was the *Rule* even among Them, and that without any New *Election*. Thus when *Jeroboam* was Dead, *Nadab* his *Son Reigned in his Stead*. i *Kin*. xiv. 20. But *Baaſha* Conſpired againſt him and Smote him, and Reigned in his Stead. Chap. xv. 27, 28. And deſtroyed the whole *Houſe* of *Jeroboam*, ſo that no *Heir* was left there. And after *Baaſha*, his Son *Elah* Succeeded him. But *Zimri* Deſtroyed him, and the whole *Houſe* of *Baaſha*, that *he left him not One, neither of his Kinsfolks nor Friends*. Chap. xvi. 10, 11. So that here was no *Heir* left neither. *Zimri* was Deſtroy'd by *Omri*. And after *Omri*, his Son *Ahab* Succeeded. And *Ahaziah* Succeeded *Ahab* his Father. And when *Ahaziah* was Dead his Brother *Jehoram* Succeeded him, and the Reaſon is given ii *Kin*. i. 17. *becauſe he had no Son*. This was ſtrictly purſuing the Rule of *Hereditary* Right. *Jehoram* or *Joram* was Slain by *Jehu*, who cut off the whole *Houſe* of *Ahab*, ſo that no *Heir* was left. And after *Jehu*, his Son *Jehoahaz*

Succeeded. And after him, his Son *Joaſh*. And after *Joaſh*, his Son *Jeroboam*. And after *Jeroboam*, his Son *Zachariah*. He was ſlain by *Shallum*. And *Shallum* by *Menahem*. And *Pekahiah* his *Son* Succeeded him. And *Pekah* Conſpired againſt him, and Slew him, and *Reigned in his Room*. And *Hoſhea* Conſpired againſt him, and Slew him, and Succeeded him. Then *Iſrael* was carry'd away Captive, and there was an End of the *Kingdom* of the *Ten Tribes*. I have gone through the *Succeſſion* of all their *Kings*, in all which ther is Nothing can be called the *Election* of the *People*, unleſs in the Caſe of *Jeroboam* their firſt *King*, and afterwards of *Omri*, for ther was a Diviſion of the *People* as to him. All the Reſt were *Hereditary*, except where *Treaſon* and *Uſurpation* did Interrupt. This was not an *Elective Kingdom*, like *Poland* or others ſo called now among us, where upon the Death of every *King* a New *Election* muſt be made, and till then the *Throne* is *Vacant*. Mr. *Hoadly* Cannot ſhew ſuch a *Conſtitution* in thoſe Days, either in *Iſrael*, or any where elſe in the World.

(11.) But p. 77. N. 4. he brings what he calls "*An unanſwerable Demonſtration* againſt a *Divine Appointment* in favour of "the *firſt-Born*." And that is, "If it be "in the *Father*'s Power to *Diſmiſs* or *Diſinherit* his *Eldeſt Son*, as *Jacob* did *Reuben*.

" *ben*. For, ſays he p. 78. This Abſolute
" Power in *Fathers*, puts it entirely in
" their Breaſt, whether any one *Eldeſt Son*
" in the World ſhall ever Succeed in the
" *Government* or not. And then what ſig-
" nifies the *Divine Inſtitution*?

Anſ. 1. It wou'd ſignify a great deal notwithſtanding all this. For it wou'd put it out of the Power of the *People*, which is a Contradiction to all *Government* whatſoever; while the *Divine Inſtitution* left it only in the Hands of the *King* and *Father*.

2. This Inſtance of *Jacob*'s *Diſinheriting Reuben* will not Infer the like Power in all *Fathers*. Becauſe *Jacob* was a *Prophet*, and this *Diſinheriſon* of *Reuben* was nothing *Perſonal* as to him, but a *Prediction* of what ſhould befal his *Poſterity* in the *laſt Days*. As it is ſaid Expreſly, *Gen*. xlix. 1. Tho' the Riſe is taken from *Perſonal* things done by *Reuben*, and others of his *Brethren*. And the like of *Jacob*'s being Preferred to *Eſau* his *Elder Brother*. As is fully ſhewed in the *Rehearſal*. Vol. 1. N. 60. Which, tho' Mr. *Hoadly* is here Anſwering, yet ſtill Remains a full *Anſwer* to all that he has ſaid.

He further Urges, p. 78. N. 5. That *Eſau* expected the *Bleſſing* from his *Father*, and not from *God's own Appointment*. Anſ. The *Bleſſing* was *Prophetical*. Therefore *Eſau* cou'd Expect it from none but his *Father.* And this is the Reaſon why *Iſaac* cou'd not Recal it, tho' he was Deceived in the *Perſon.* As is plainly told in the ſaid *Rehearſal.* N. 1. But Mr. *Hoadly* Repeats *Objections,* without taking Notice of the *Anſwers,* tho' he Quotes this ſame *Rehearſal!*

He has another Notable Argument in the ſame p. 78. N. 6. " That both *Eſau* " and *Reuben* forfeited their *Primogeniture* " for Perſonal *Crimes.* Thence infers, that " *Kings* may *Forfeit* for their Perſonal *Vices,* " if the Right of *Primogeniture* be a Right " to *Civil Authority:* But (ſays he) *Kings* " do not *Forfeit* for their Perſonal *Vices;* " *Ergo,* The *Right* of *Primogeniture* is not a " *Right* to *Civil Authority.* " This is Smart! And to Oblige Mr. *Hoadly* beyond all Meaſure, and give him the full Scope of his Argument, I will Grant him what he moſt Deſires, Which is, That *Kings,* or *Fathers,* or *Firſt-Born,* may *Forfeit* their *Authority* for every the leaſt Perſonal *Vice.* And now I think he cannot ſay, but that I am very *Generous* to him. But then this being Granted, I muſt put in a *Saving,* That the *Forfeiture* muſt only be to His, or Their *Superiour,* that is, of *Kings,* or Independent *Fathers,* to *God* only, and of the *firſt-Born* to their *Father.* But in all Caſes I muſt keep out your *Mobb,* and never let the *People* be *Judges* over their *Goveronours*; for this is all *Contradiction*, and *Confuſion* to the End of the World! Thus tho' *God* Rejected *Saul* for his Perſonal *Crimes*, and *Eſau* and *Reuben* were *Rejected* for theirs by their *Fathers*, yet it will not follow, That the *People* can *Reject* their Lawful *Prince*, nor *Sons* Depoſe their *Fathers*. Mr. *Hoadly* cannot but ſee the *Fallacy* of this *Argument*, That becauſe a *Father* may *Diſinherit* his *Son*, therefore a *Son* may *Diſinherit* his *Father*, and turn him out of Doors. The Sum of the Matter betwixt Mr. *Hoadly* and Me is this, I think it moſt Natural that *Authority* ſhou'd *Deſcend*, that is, be *Derived* from a *Superiour* to an *Inferiour*, from *God* to *Fathers* and *Kings*, and from *Kings* and *Fathers* to *Sons* and *Servants*: But Mr. *Hoadly* wou'd have it *Aſcend*, from *Sons* to *Fathers*, and from *Subjects* to *Sovereigns*; nay to *God* Himſelf, whoſe *Kingſhip* the Men of the *Rights* ſay, is *Derived* to *Him* from the *People!* And the *Argument* does Naturally Carry it all that Way. For if *Authority* does *Aſcend*, it muſt *Aſcend* to the *Height*.

But p. 79. N. 9. He Muſters his whole Force againſt the *Primogeniture*, and ſhews the little Regard *God* had to it. For he Obſerves, " That *Jacob*'s *Eldeſt Branch* did
" not Reign. *Reuben*'s Line was put
" by; and *Judah*'s Choſen. But in *Judah*'s

“ Line, nor the *Eldeſt Family*; nor the
“ *Youngeſt*; nor this *Son*’s *Eldeſt Son* after
“ his Death. Theſe are the great Regards
“ of *Almighty God* to *Primogeniture*, ſo much
“ Boaſted of; and made the Foundation
“ of ſo Important a Matter as *Civil Go-*
“ *vernment*.

But, Mr. *Hoadly*, theſe are but a few Changes. And if *God* had made many more, It is ſtill a great Regard He has ſhewed to the *Primogeniture*, That He will not Allow any to ſet aſide their *Right* but *Himſelf*, or Thoſe to whom He has given ſuch a *Power*. And if He has not given ſuch a *Power* to the *People*, over their *Kings* and *Governours*, there is an End of the *Diſpute* betwixt You and Me. But if you have Proved it any where, I pray you to tell me, for I cannot find it.

(XII.) We have now gone through all that is Alledged from the Holy *Scriptures*, concerning the *Original* of *Government*, the *Primogeniture* and *Succeſſion* of it. Mr. *Hoadly* comes next to his *Heathen* Authorities, to ſee what he can Gather from thence. This he begins p. 85. and Continues it to p. 92. Which having Read twice Carefully over, to ſee where I cou’d find the Argument, I profeſs I cannot find it. The State of the Caſe is this. The *Rehearſal* had Blamed thoſe who went to *Heathen*

Heathen Authors for the *Original* of *Government*, becauſe None of their *Hiſtories* Reached ſo High; and they knew not how the *World* or *Mankind* begun. And that the *Original* being in the *People*, and their Erecting *Government* for their own Convenience, was a meer *Thought* and *Imagination* of theirs, without any *Ground* or *Foundation* in the World, they not knowing how otherwiſe it ſhould Begin, nor indeed how *Mankind* began, or the *World* it ſelf, which therefore *Ariſtotle* thought to have been *Eternal*. For this Cauſe the *Rehearſal* did Expoſtulate with thoſe *Chriſtians*, who Leant only upon *Heathen* Authorities for the *Original* of *Government*, and Endeavour'd to bring them back to the *Only* and the *Certain* Account of it which is to be found in the Holy *Scriptures*. And this he has after much Pains (who wou'd have thought it wou'd Coſt ſo much) happily Effected. This being the Ground of the Debate I have now with Mr. *Hoadly*.

And he takes Notice of this, p. 89. "That it was ſaid the *Heathens* had Er- "red in this Matter, not knowing the "*Scriptures*, &c." In anſwer to which he ſays, "Where are the *Nations*, or *Writers*, "who have Spoken, or Acted, Contrary "to them in this?" This is a ſtrange Way of *Anſwering!* When thoſe *Nations* and *Writers*

Writers were Named to him, nay, whom he here Names Himſelf, p. 87. and urges their Authority, as of *Herodotus* and *Tully*, and *Ariſtotle*, for the State of *Equality* among Men, and their Setting up *Government* by their own Authority at the Firſt. But the very next Words to thoſe above Quoted of his p. 89. are theſe, "I have "alleg'd ſeveral things from *Moſes*, and "other *Scripture-Writers*, againſt this Pre"tence of *Univerſal Practice*. The People "of the *Ten Tribes* knew the *Scriptures*; "yet they lived under an *Elective* King"dom, *&c.*" And ſo he Runs on Repeating what he had ſo often ſaid before, all which I have Anſwered. He was ſoon Weary of his Argument from the *Heathens*. Yet Concludes, as having fully Clear'd the Matter, "Nor doth *Moſes* ſay any "thing more in favour of it, than either "*Ariſtotle* or *Tully*." In the next Words he Quotes the *Rehearſal*, Vol. 1. N. 56. for this ſaying, That before the *Grecian Commonwealths, the way and Manner of the whole Earth, without any Exception, was Hereditary Monarchy in the Male Line.* Theſe Words, *in the Male Line*, are an Addition of Mr. *Hoadly*'s. He wou'd fain Draw this in, and Charges that *Author* often with it. But he has not ſaid a Word of it. Neither will I. And, Mr. *Hoadly*, I muſt tell you, That whatever you pleaſe to Inſer from another Man's Words, yet you ought always to *Quote* Fairly. Well, but what *Exception* does Mr. *Hoadly* find? Does he Name any *Government* that was not *Monarchy*, and *Hereditary*, before the *Grecian Commonwealths?* To this his Anſwer is in p. 88. in theſe Words, "Can this "*Author* Prove, againſt all the moſt *Ancient* "*Hiſtorians*, that the *firſt Kings* were ſo," that is, *Hereditary?* Anſ. The *firſt Kings* of which theſe *Hiſtorians* give an Account were ſo. But if he Means the *firſt Kings* that were in the *World*, (which is the Diſpute) theſe *Hiſtorians* knew nothing of the Matter, only offer their own *Conjectures*, which ſignify Nothing, for the Reaſons before told. *Juſtin* begins his *Hiſtory* with this Account, *Principio rerum Gentium Nationumque Imperium penes Reges erat.* That is, *In the beginning of things, the Government of People and Nations was in Kings.* This was as far as they had any Account of things. But Mr. *Hoadly* puſhes the Queſtion further, and Asks, whether theſe *Kings* had their Authority, "By any Perſonal Right of their own, or *Divine Inſtitution?*" *Anſ.* 1. Theſe *Hiſtorians* cou'd tell nothing of That. They found theſe *Kings* in Poſſeſſion at the Time whence they Began their *Hiſtories*. And they knew Nothing of what was Before. *Anſ.* 2. The Matter is not now, by what *Tenure* they

Held, but whether *Monarchy* was not *Univerſal* before the *Grecian Commonwealths?* *Anſ.* 3. I am not bound to Anſwer you any of theſe Queſtions. The *Proof* lies upon you, to ſhew any *Government* but *Monarchy* before the *Grecian Commonwealths.* You ask again of the *Rehearſal*, "Can he "Prove that the *Roman Kingdom*, or all "the *Grecian Kingdoms* were, in the *Male* "Line, *Hereditary*, before the *Common*-"*wealths* began?" *Anſ.* 4. You muſt have the *Male Line* in again, of which the *Rehearſal* ſaid Nothing. But I will let you have it, and ſee what you can make of it. Pray, Sir, How many *Queens* were ther in either the *Roman* or the *Grecian Kingdoms?* And how came they by the *Kingdoms?* I hope it was Honeſtly! But, Sir, I have another *Queſtion* to ask you, why you bid me look into the *Roman Kingdom* which was before the *Grecian Commonwealths* began, when they were Begun particularly at *Athens*, long before *Rome* was Built, or any *Roman Kingdom* in the World? This was only to make your ſelf Merry with the *Rehearſal*, and ſend him of an *April* Errand! But you ask him again, "Can he Prove that any one *Nation*, of "thoſe which ſubmitted to *Hereditary* "*Monarchy*, did it upon the Notion of the "Unalienable *Right* of *Eldeſt Sons?*" Really, Sir, I never Ask'd them. But finding that *Hereditary Monarchy*, and in the *Eldeſt Sons* too, was the Common way among them, (tho' ther were Rebellious *Sons* and *Uſurpations* then, as ther have been ſince) I cannot but fancy they had ſome *Notion* of it! But you put the *Rehearſal* very Hard to it in the next Queſtion, *viz.* " Can he Prove that many of " thoſe *Unkown* Nations, and Families, of " whom *Hiſtories* are *Silent*, did not live " under other *Forms* of *Government*, be" fore they were Swallowed up by the " Torrent of a proſperous Neighbour? " Theſe are your Words. But, Sir, if theſe *Nations* and *Families* were *Unknown*, and all the *Hiſtories* are *Silent* concerning them, how do we know they were *Swallowed up*? And how cou'd you Expect from the *Rehearſal* an Account of the *Forms* of *Govearnment* of a *People* that are *Unknown*? But if he has all the *known World* on his Side, I think he ought to be Content! Suppoſe, Sir, I ſhou'd ſay, That every Man in *Britain* had *Red Hair*; and you ſhou'd Wager a *Hundred* Pounds with me upon that Lay. Wou'd it not lye upon you to produce a *Man* who had *Hair* of ſome other *Colour*? Or ſhou'd I be Obliged to go through every *Man* in *Britain*, to ſhew they All had *Red Hair*? And when I had taken an Account of every Man that was *Known*, wou'd it be Allow'd you to ſay, But how can he Prove that ther is not ſomebody who is *Unknown*, who may have *Black*, or *Brown* Hair? I put this Caſe, only to ſhew you your *Method* of *Argument*. It is the very ſame! To the ſame Purpoſe is your next and laſt Queſtion, *viz.* "Can he Prove "that there never was an *Elected King*, "or a *Government* by a *Council*, where "there had not been before an *Abſolute* "*Hereditary Monarchy* Settled?" Sir, for the Reaſon I have given, I will now ſet you upon the Hunt, to Prove the *Affirmative* of your Queſtion, and not think my ſelf obliged to ſtir one Foot in Queſt of the *Negative*. I will only add the *Triumph* you make, upon your having Asked all theſe Perilous *Queſtions*, which is in the beginning of your p. 89. in theſe Words, "And I appeal to any Impartial *Reader*, "whether, from what I have already ſaid, "it doth not Appear that this *Hereditary* "*Monarchy* in the *Male-Line* was not from "the Beginning; nor Ever eſteemed by "the *Nations* of the World, as eſſential "to their *Government*." And I as fairly Join Iſſue with you upon it, and Leave it to the *Reader*, Whether, from All that you have ſaid, you have Proved one Word of it? And not Rather, that you have Intirely given up the *Cauſe*, by ſuch *Defences* as theſe?

I have now done with Mr. *Hoadly*, as to all his Arguments of *Facts*, drawn from the Holy *Scriptures*, or the *Heathen Hiſtories*. And I am afraid the *Reader* will think I have been too Tedious, and taken Needleſs Pains, for that I might have Diſpatched it in few Words, by putting the *Proof* upon Him, and ſhewing in the General that the *Facts* he Produced were all *Precarious*, and no Direct *Proofs*, as what he wou'd *Innuendo* from the *Gibeonites*, the *Edomites*, &c. Where the *Scripture* treats not of their *Government*, but brings them in upon other Occaſions. And this indeed had been Sufficient, if I had only Intended to get Rid of Mr. *Hoadly*, or to have Gain'd a *Victory* over him. But I thought it wou'd be Beneficial to Examine him Minutely upon theſe Points, becauſe it is the firſt time I could get theſe *Adverſarys* of *Government* upon the *Ground* I would have had them, that is, the *Hiſtory* of *Government* as it is Recorded in the Holy *Scriptures*. And Mr. *Hoadly* having Come into this *Field* with me, I wou'd not leave any *Particular* unexamin'd that he has Inſiſted upon. For this may be the Laſt time that He or any other will Adventure to put the Cauſe of *Government* upon this *Iſſue*. Therefore I endeavour to make this *Treatiſe* what I have Called it, the *Finiſhing Stroke*.

(XIII.) Having thus gone through the Argument of *Fact*, I will Proceed to the *Doctrinal* part, ſome *Texts* of *Scripture* which have been greatly Bandy'd; And the Reaſonings of Mr. *Hoadly* as to the *Nature* of *Government*, the *Extent*, *Conditions*, and *End* of it. I begin with that Text *Rom.* XIII. 1. Upon which Mr. *Hoadly* Preached before the Lord *Mayor* of *London* the 29th. of *Sep.* 1705. And gave Riſe to the great Diſputes have been upon that *Text* ſince Mr. *Hoadly* wrote his *Meaſures of Submiſſion* in Defence of that *Sermon*. And the Import of Both is, to Juſtify *Reſiſtance* from that *Text*, which Pronounces it to be *Damnation*! Nay not only to make it *Lawful* to *Reſiſt*, but *Neceſſary*, in ſome Caſes, and our *Duty*, and that for *Conſcience* Sake, ſo that we *Sin* if we do not *Reſiſt*. For ſays he in his *Sermon* p. 8. (it is that *Edition* Printed together with his *Meaſures* &c. 1706.) Speaking of ſuch a *Non Reſiſtance*, *It is a Tacit Conſent to the Ruin and Miſery of Mankind*. Repeated again in his *Meaſures*, p. 38. And he ſays p. 111. " It is a Crime in any Man " to bear a Part in the Illegal and Unjuſt " Oppreſſion of his Country-Men. And is " not Paſſive Obedience upon the ſame " account a *Crime*, when it Contributes " viſibly and immediatly to the Ruin of " the *Publick Society* to which we belong?

But he can make his *Reſiſt*, and St. *Paul's* *not Reſiſt* to mean the ſame thing! And thus he does it. In *Some Caſes* we muſt *not Reſiſt*, this is for St. *Paul*: And in *Some Caſes* we ought to *Reſiſt*, this is for Mr. *Hoadly*! But does St. *Paul* name any Caſe wherein we may *Reſiſt*? No. But Mr. *Hoadly* does it for him. What ſignifies a *Commentator* if he is Tyed up to the *Words* of a *Text*?

Yet Mr. *Hoadly* is very Reaſonable, He deſires but one *Caſe* to be Excepted. That is (as he words it p. 30.) *The Ruin of the Publick.* Where *the Lives and Fortunes of the Governed Body are to be Submiſſivly given up.* As if, ſays he, p. 184. *The King ſhould Ordain the Devaſtation and Deſtruction of the whole Nation under him.*

Then he Requires p. 30. That this *Caſe* muſt be *Plainly ſo ſeen to be.* Not *Jealouſies* and *Fears*, nor any Room for Different Opinions, for any Suſpence or Doubt in the Matter.

In this Caſe only he allows of *Reſiſtance*. But not for any *Private Injuries* done to *Particular Perſons*. For in theſe he Grants ther is a *Laſt Reſort* in the *Government*, by whoſe Determination we ought to Abide, even tho' *Wrong* or *Injuſtice* be done to us. As he ſays, *ibid.* p. 30.

" There is no Appeal from what is " called the *Laſt Reſort*, in Caſes *Criminal*, " or Cauſes of *Private Right*: But there " is no ſuch thing as ſuch a *Laſt-Reſort* " in *Government*, at the *Decree* and *Determination* of which, the *Lives* and *Fortunes* of the *Governed Body* are to be Submiſſivly given up.

Thus ſtands the Caſe fairly Stated in Mr. *Hoadly*'s own Words. And it is as fairly Anſwered in the *Rehearſals*, Vol. 3. N. 9, 10. in the full as Mr. *Hoadly* puts it, *Firſt*, as to the *Plaineſs* of the Caſe, *they Saw it with their Eyes*. *Secondly*, it affected the whole *Governed Body*. And *Thirdly*, Not in a ſmall Matter, but as to their very *Lives*, to *Kill* them *All*. Theſe were the Objections of *Dathan* and *Abiram* and the *Whole Congregation* againſt *Moſes*, and the Caſe ſaid to be thus *Plain*. But Mr. *Hoadly* has taken no Notice of this, nor of other *Inſtances* given in the ſaid *Rehearſals*. He is Deſired to take them into his ſerious Thoughts in his next *Edition*.

In the mean Time, if ther is no Difference betwixt *Private* and *Publick* Injuries in this Caſe: Nor any way to be ſure of the *Ruin* of the *Publick*, till it is too Late; then all theſe *fine Words* of Mr. *Hoadly*, and the *Nice Caſes* which he puts, are *Empty Sounds*, without any *Meaning*, and meer *Amuſements*.

(1.) To what Purpoſe elſe does Mr. *Hoadly* here bring in a Caſe which never happened ſince the Beginning of the World, and is next to Impoſſible that ever it ſhould happen? *viz.* That any *King*, or *Government* ſhould Order the *Deſtruction* of the whole *Governed Body*.

(2.) If we ſtay till this utter *Ruin* is Compleated, it will be too Late to Prevent it. For no Man *Complains* after his *Throat* is Cut. Therefore we muſt watch the *Beginning*, the *Steps* and *Tendencies* towards this. Here is Room for all the *Fears* and *Jealouſies* in the World, even to *Looks* and *Thoughts*.

(3.) The firſt *Attempts* muſt be made upon ſome *Particular Perſons*, for a Nation cannot be Deſtroyed all at Once. And if we Suffer One to be Injured, it will be a Precedent for Another, and Another, to the End of the Chapter; till *Preſcription* become a *Law*, and we have no *Remedy*. So that Mr. *Hoadly*'s Rule not to *Reſiſt* for *Private* Injuries, will ſoon Involve the *Publick*. For every *Particular* is the *Whole*. And what is the *Publick* but all the *Privates*? And Mr. *Hoadly* has Tyed up every *Private* from *Reſiſtance*, what then becomes of his *Publick*?

But this will appear Clearer, if we look upon it in *Fact*, as on a *Picture*. I will give but Two *Inſtances* ſtill freſh in Memory.

mory. The firſt is that of *Ship-Money*, which began the *Rebellion* againſt King *Charles* I. All the *Judges* had given it under their Hands that it was *Legal*. Yet Mr. *Hamden* did not think ſo. And tho' he was a very *Rich* Man of Five or Six *Thouſand* a Year, and his Proportion of that *Tax* came but to *Twenty Shillings*, he Spent Four or Five *Thonſand Pounds* to Defend that *One Pound*. Not for Love of the Money, you may be ſure, but for the *Conſequences!* the *Conſequences!* the *Tendency* of this! For at this Rate the *King* might take all the *Money* in the Kingdom. And was not he called a *Patriot* for this?

The other *Inſtance* is of the late King *James*. For the Caſe of Sir *Edward Hales*, Argued at the *King's Bench* Bar, was but a *Private* Caſe. And *Magdalen College* was a *Private* Caſe. And it was not for any thing he Did, (that might Eaſily have been Born, if that had been all) but the *Conſequences* and the *Tendency*, to bring over all the Nation to *Popery*, St. *Jones's Grid-Irons*, and *Proteſtant Bridles*, theſe were of *Publick* Concern and Notoreity!

Nay, Mr. *Hoadly*, the very Buſineſs of *Tarquin* and *Lucretia* was but a *Private* Caſe. Yet you ſee how ſoon it became *Publick*. And ſince you have Excluded *Reſiſtance* in any *Private* Caſe, I mean *Publick Reſiſtance* and *Rebellion*, for a *Private*

vate Injury: You and I may ſoon Agree; for do but Muzzle up your *Reſiſtance*, till the *Government* ſhall Decree the *Univerſal Ruin* and *Deſtruction* of the whole *Governed Body*; and I dare ſay it will be a great while before we ſhall fall out.

But then, on the other Hand, if you will not do this, but from *Conſequences* and *Tendencies*, allow of *Publick Inſurrections* for *Private Injuries*, and leſt the Caſe ſhould be my own; then to what Purpoſe was this Diſtinction of yours betwixt *Publick* and *Private*? Was it only to *Amuſe* the poor *Populace*? Or have you *Deceived* your ſelf in it? If ſo, I hope your Ingenuity will open your Eyes to ſee that ther is nothing *Practicable* towards *Reſiſtance* in this *Scheme* you have ſet up, and that you had as good have Damned *Reſiſtance* in *all Caſes*, as have Allowed it that *Caſe* only which never yet was the *Caſe*, nor is ever *Likely*, I may ſay even *Poſſible*, to be the *Caſe*. So that your Diſtinction is only an *Ens Rationis*, which may be Diſputed of in *Schools*, but can never be brought into Practice upon the Stage of the World.

(4.) Do you think, Mr. *Hoadly*, that ther ever was yet a *King* upon the Face of the Earth, who *Deſigned* the utter *Ruin* of all his *Subjects*? Can you believe this, notwithſtanding the *Rant* that is ſaid of

Caligula, of wiſhing all the *Romans* one *Neck?* Would he have Exchanged the *Roman Empire*, to be like *Almanzor*, King of *Me?* To what Purpoſe then was this *Caſe* put, of the utter *Ruin* of the whole *Governed Body?*

(5.) Suppoſe St. *Paul* had put this *Caſe* in the 13th to the *Romans*, and Barred all *Reſiſtance* except in this ſingle Caſe of the utter *Ruin* and *Destruction* of the whole *Governed Body*; not only *Deſigned*, but *Attempted*; And *Attempted* upon the *Whole* in *General*, and not only in the *Ruin* or *Oppreſſion* of ſome Particular *Perſons* or *Families*. Nay, ſuppoſe he had Allowed even the *Deſign* of this *Univerſal Ruin* to be a Cauſe of *Reſiſtance*, yet would it not have Juſtified any *Reſiſtance* that ever yet was made againſt any *Prince* or *Government*, or any that you your ſelf think ever will be to the End of the World. How uſeleſs then has been all this great *Pains* that you have taken? Since it will Come to the ſame thing, as to *Practice*, whether Abſolute *Non-reſiſtance*, or *Reſiſtance* ſo Limited as you have made it, be the Meaning of the *Text*. In *no Caſe* ſay ſome. In *no Caſe Poſſible* ſay you, but yet in *ſome Caſe*, for we may ſuppoſe a *Caſe, Poſſible!* *De lana Caprina* is the Diſpute. And tho' it is *Poſſible* a *Goat* may bear *Wooll*, yet till we ſee ſuch a One, it would not ſhew much *Wit* to Quarrel about the Spinning of it. And ſuch is the Diſpute about *Reſiſting* ſuch a *King* as never yet was ſeen! And St. *Paul's* forbidding *Reſiſtance* without any *Limitation*, is full as ſtrong againſt *Reſiſtance*, and far better Senſe, than if he had put in your *Limitation* of *Univerſal Ruin*; which would ſeem to have ſome Meaning, but when looked into has nothing at all in it; And is ſuch another Jeſt, as, *When the Sky falls, we ſhall catch Larks*, or as if the *Apoſtle* had ſaid, you ſhall not *Reſiſt*, till you ſee a *King* with Two *Heads*, or who can Swallow an *Ox* whole. And what is that to the Swallowing a whole *Nation*, to the Devouring the whole *Governed Body!* Can you think, Mr. *Hoadly*, to Fright any but *Children* with this *Raw Head* and *Bloody Bones!*

(6.) But I will go further with you. I will give you leave to Pitch upon the moſt Terrible *Tyrant* ever was in the World, and Paint him out with all the *Flouriſhes* of your *Rhetorick*, and when you have done, I will Maintain, That he not only never did (nor cou'd) *Deſign* the *Ruin* of the whole *Governed Body*; but that the *Governed Body* received more *Benefit* and *Advantage* by Him than *Loſs* or *Detriment*. For tho' he might do very Extravagant things Himſelf, yet he would not Suffer others to do ſo. And ſuch *Princes* have Generally kept their *Subjects* more Free and Secure from the *Ravage* and *Injuſtice* of one another, than *Milder* and more *Gracious Sovereigns*. Which has made Men of *Polemicks* and *Speculation* to think, That the *Severeſt Governours* are Beſt for the *People*. Becauſe ther is no Proportion betwixt the *Evils* they may bear from the *Prince*, and the utter *Ruin* of being Expoſed to the *Injuſtice* and *Violence* of each other, when the Reins of Government being Looſed, they fall into *Parties* and *Factions*, and have leave to Bite and Devour one another. And ther never was ſo little Regard to *Juſtice* in any *Tyrant*, as among Contending *Parties*, when one gets the Aſcendent over the other.

The chief End of *Government* is to Defend the *Subjects* from the *Injuries* of one another. And if a *Tyrant* does not do Beſt in this, yet ſtill he does ſo much Good, that he may truly be Called a *Terrour* to *Evil-doers*, tho' he may be an *Evil-doer* himſelf. And this I think an Eaſie and Proper Meaning of the Apoſtle's Words, That *Rulers*, even the *Worſt* of them, as *Bad* as we may ſuppoſe thoſe of his Time to be, are ſtill a *Terrour* to *Evil-doers*, not only as to the Nature of their *Office*, but as to their *Adminiſtration* it ſelf; not in every ſingle *Inſtance*, but in the Main, as it Reſpects the whole *Governed Body*; and not only the *Chriſtians*, who were then but a ſmall Part of it; and tho' theſe were Perſecuted for *Well-doing*, and the *Rulers* were a *Terrour* to them; yet upon the whole, and in Regard to the *Body* of the *Subjects*, theſe ſame *Rulers* were a *Terrour* to *Evil-doers*, and they who did *Well* in their ſeveral Stations had, generally Speaking, *Praiſe* of the ſame. And upon this Account ſuch a *Ruler* might truly be Called the *Miniſter* of *God* for *Good* to the *People*. Of more *Good* than *Evil*, tho' he might Fail in many Particulars. Otherwiſe we can call no *Governours* in the World either *Good* or *Bad*, that is, not *Good* in *Every thing*, nor *Bad* in *Every thing*. But if the *Good* out Weighs the *Bad*, even in the *Worſt Governours* (as I think the Caſe is Plain) with Relation to the *Governed Body*: Then the *Worſt Governours* are the *Miniſters* of *God* for *Good*. And the Words of the *Apoſtle* are Verify'd, let the *Governours* be what they will; and Extend to all *Governours*, the *Worſt* that ever were. In which Senſe theſe *Rules* of the *Apoſtle* ſtand good to all Ages, and to all Conditions of *Government* whatſoever.

(7.) Here I muſt take Notice of a Main Argument of Mr. *Hoadly*'s, which runs through this whole Proof of his, which is, That when a *Governour* does *Evil*, he Acts without a *Commiſſion*, becauſe *God* gives no Man a *Commiſſion* to do *Evil.* I was the more ſuprized to find this over and over again Repeated here and Inſiſted upon, becauſe it was the Chief thing upon which he laid the great Streſs in his *Sermon*, and his *Meaſures of Submiſſion* in Defence of it: And which therefore was very Particularly Conſidered in the *Beſt Anſwer*, Sect. xvi. Wherein it was ſhewed him, That the Undue Execution of a *Commiſſion* ſuppoſes the *Commiſſion*; for that a Man cannot Execute a *Commiſſion* either *Duely* or *Vnduely* who has no *Commiſſion*: That to Act without any *Commiſſion*, and to Act *Vnjuſtly* in the *Execution* of a *Commiſſion*, are very different things; in the firſt Caſe we are Puniſhable whether we Act *Juſtly* or not, in the other only if we Act *Vnjuſtly*; And we are Anſwerable to Him alone, from whom we have the *Commiſſion*. Of this ſeveral Inſtances are given to make it exceeding *Plain*. It is particularly Exemplify'd, p. 58. in the Caſe of *Pontius Pilate*, who had Power to *Crucify*, and Power to *Releaſe*; and *Chriſt* owned that the Power which *Pilate* had *againſt Him*, that is, to *Crucify* Him, was Given to *Pilate* from *Above*. His *Commiſſion* to Judge that Cauſe was from *God*, but his Unjuſt *Execution* of that *Commiſſion*, in *Condemning* a Perſon he thought *Innocent*, no doubt would be required of him by *God*. But all this is paſſed over in Silence, not the leaſt Notice taken of it by Mr. *Hoadly* in all his Book, wherein he Pretends to Anſwer this ſame *Beſt Anſwer*: But he Repeats his own Argument 40 times over, of *God* not giving *Commiſſion* to do *Evil*, as if nothing had ever been ſaid to it! I ſuppoſe he *Forgot* it, becauſe that was ſo Great a Book, of whole 78 Pages. And I will not Repeat, but Refer him to more than the *Eighth* Part of that Book above Quoted, which he could not ſee, tho' it was particularly Marked in the *Contents*, not well to be miſſed, without a great Inclination to it. It is the whole *Sect.* xvi. from p. 50. to p. 64. which has thus Eſcaped Mr. *Hoadly*'s Obſervation. Elſe ſure he wou'd not have Repeated his Argument ſo often again in this *Book*, when it was ſo largely *Anſwered* in that very *Book* which he undertakes to *Anſwer*! And yet he aſſures us in his *Preface*, p. v. That he has *left nothing untouched of all that He* (the Author of the *Rehearſal*, &c.) *layeth any Streſs upon*.

(8.) Now, Sir, I lay Streſs upon one thing. I deſire therefore you wou'd not overlook it. And that is, That you have overſtrain'd your *Bow* till you have broke it. You thought to ſecure the Doctrine of *Reſiſtance* againſt all Objections, by Allowing it only in a Caſe ſo very *Extravagant*, that you thought no Man cou'd Defend it without Incurring the General *Abhorrence* and *Deteſtation* of *Mankind*, viz. Where the *Prince* deſign'd the utter *Ruin* of the whole *Governed Body*: Nay, your Argument carrys for *Non-Reſiſtance* till he has Effected it, and ther is none left to *Reſiſt!* Now when you have ſuppoſed ſuch a Caſe, you have quite Alter'd the *Topick* upon which all the Arguments for *Reſiſtance* do Proceed; for this Caſe comes not under what we call *Mal-Adminiſtration*, which is always Alleged for the Cauſe of *Reſiſtance*, but it is the Caſe of *Madneſs* and a *Perſonal Incapacity* in the *Governor*, as when he is in a *Fever*, or *Lunatick*, &c. For no *King* in his *Senſes* can be ſuppoſed to Deſign his own *Ruin*, that is, to Deſtroy all his *Subjects*, for that wou'd *Un-King* himſelf, and he wou'd have none to *Serve* him. This Caſe of *Incapacity* in *Kings* is Reſolv'd in the *Rehearſal*, Vol. 1. N. 24. That during the *Incapacity* the next in Blood who is to ſucceed ſhould take the *Adminiſtration*, but ſtill in the Name of the *King* and by his *Authority*, as when a *King* is an *Infant*; whereby the *Right* and the *Inheritance* is Preſerv'd, and Confuſion avoided. This is Exemplifſy'd in the ſaid *Rehearſal* by the Inſtances of *Uzziah*, whoſe *Incapacity* (of *Leproſie*) continued till his Death; and of *Nebuchadnezzar*, who Ran *Mad*, and was turned into a *Beaſt*, but was Reſtor'd to his *Kingdom* when his Reaſon returned to him. The *Text* ſays not *Reſtor'd* but *Eſtabliſhed* in his *Kingdom*, for he was not *Depoſed*, the *Right* was ſtill in him, and he was *Reſtored* only to the *Adminiſtration*, as ſoon as his *Incapacity* for it was Remov'd.

Now, Sir, to begin upon the Head of *Mal-Adminiſtration*, and Run that up till it comes to quite another *Head*, that of *Perſonal Incapacity*, is, *Tranſire a Genere in Genus*, a *Fallacie* of ſliding from one *Kind* to another, and ſo Confounding an Unwary Reader.

(9.) And this Miſtake of yours, was not through *Inadvertence*, for in your *Preface*, p. v. vi. You bring in both Caſes of *Incapacity*, and of *Mal-Adminiſtration*, and Confound and Blend them, and make them Both the Same. "Thus you "make *Bigottry* in *Religion*, and a *Diſpoſi*"*tion* bent upon *Tyranny* and *Oppreſſion* to "be a *Fever*, of the *Mind*; and as great an "*Incapacity* as any *Bodily Diſtemper*. And "which *doth as effectually deſtroy* all *Capa*"*city* to *Rule* a *Nation*, as a *Total Diſtra*"*ction*

"*tion* could do. And that therefore this, "eſpecially *Bigottry* in *Religion*, amounts "to a *Total Forfeiture* of *Authority*." Theſe, Sir, are your own Words. And you Inſiſt more largely upon this in your *Book*, p. 118, 119. And infer that the *People* are to be *Judges* of the *Incapacity* of the *Prince*.

And now let me Reaſon with you *Calmly* and *Soberly* upon this *Scheme* you have Erected, as the true *Meaſure* of our *Submiſſion* to our *Governors*? And firſt for *Bigottry* in *Religion* is it not ſo *Looſe* and *General* a Notion, that it will be very Difficult to *Aſcertain* it? May not every the leaſt *Zeal* for *Religion* be Interpreted *Bigottry*, by thoſe of a Contrary Opinion? Do you not think ther is ſomething of *Bigottry* in thoſe called *High-Church*, who Adhere ſo Obſtinatly to Old *Forms*, that they will give no Allowance to their *Diſſenting Proteſtant Brethren*; Nay, who paſs a ſevere *Cenſure* upon the *Reformed Churches abroad*, for their Want of *Liturgy* and *Epiſcopacy*, and even *Un-Church* them on Account of the Latter? Are not theſe *Bigots* in your Opinion? And on the other hand, may not they think you be *Bigotted* againſt *Bigottry*, *Bigotted* to *Moderation* and *Indifferency*? For even a *Loadicean* may be *Bigotted* in his way, and Men may be *Immoderatly* for *Moderation*. Are not they ſo who ſtop at Noting, but wou'd give up even the *Faith*, rather then *Contend Earneſtly* for it? By this Means we may All become *Bigots* to one another. Every Man does think ſo of another, who is *Tenacious* of any *Point* which he thinks to be *Indifferent*.

But had not the Primitive *Chriſtians* Reaſon to think that the *Roman Emperours* were *Bigotted* to their *Idolatry*, when they put them to moſt Cruel *Deaths* for Informing them in the True *Religion*? And then, Sir, by the Rule you have here laid down, there was a *Total Forfeiture* of their *Authority*, and the *Chriſtians* were *ipſo Facto* Abſolved from their *Allegiance*. See how you can make this Agree with the xiiith to the *Romans*? If St. *Paul* had known this, he would not ſurely have Pronounced it *Damnation* to *Reſiſt* theſe *Emperours*!

Do not the *Presbyterians* and other *Diſſenters* think any *Epiſcopal King* or *Queen* to be *Bigotted*, eſpecially if they ſhew any *Zeal* for the *Church* of *England*? Do not the *Papiſts* think Us *Bigotted*, as we think Them?

So that by this Rule, I ſee not how any *King* or *Queen* of *Britain* can Claim the *Allegiance* of All their *Subjects*, let them be of what *Religion* they will. Or that they have any other way to ſecure their

Government, but by being of no *Religion* at all; Or to let it ſit very Looſe about them, if they Profeſs any; Elſe they cannot Eſcape being thought *Bigots* by one Party or other; And by not a Few now among us, if they frequent the *Church* too often, or lay Streſs upon their *Prayers*, or Worſhip *God* with *Decency* or *Devotion!* But eſpecially if they pay any Reſpect to the *Prieſthood!* They are then not only *Bigotted*, but *Prieſt-ridden!* And this is made by theſe Men a greater *Incapacity* for *Government*, than any other *Bigottry* whatſoever. Again, others think ther cannot be a greater *Incapacity* for *Governing*, than for a *Prince* not to have a great Regard to *Religion*, becauſe That ought to be the principal Concern of *Government*; And is the firſt *Article* in the *Coronation Oath*, which Relates to the Support and Maintenance of the *Church*. So that let a *Prince* be *Looſe*, or *Religious*, this *Rule* of Yours, Sir, will fix *Incapacity* upon him either way, according as Men are *Differently* Inclin'd.

(10.) And is not your other *Incapacitating* Qualification lyable to the ſame *Uncertainty*, that is, a *Diſpoſition* bent upon *Tyranny* and *Oppreſſion*? You will not ſay, That any *Oppreſſion* of private *Perſons* will warrant *Reſiſtance*, as being a *Forfeiture* of *Authority*. You have given up that Point before;

before, and owned that nothing leſs will do it, than a *total Subverſion* of the *Conſtitution*, and *Deſtruction* of the whole *Governed Body*. But let me Ask you, Sir, Is not every *Injury* an *Oppreſſion?* And does not *One* Act, or *Two*, *Three*, or *Four* of *Injury* or *Oppreſſion* upon particular *Perſons*, ſhew a *Diſpoſition* or a *Bent* towards *Tyranny* and *Oppreſſion?* And you have made this *Diſpoſition* a *Fever* of the *Mind*, and as *Incapacitating* as any *Bodily Diſtemper*, a *Fever*, or *Plague*, *Lunacy*, or *Leproſy!* And every Man is *Judge* of this *Diſpoſition* of *Mind* in a *King*, from any *Act* he does; and that it is a *total Forfeiture* of *Authority!* Now we ſee what your *total Subverſion* comes to, even to a *Diſpoſition* towards it: And this to be Gather'd by any one who thinks himſelf *Oppreſſed*, from any *Action*, *Word*, or even *Look* of the *King!* Thus *total Subverſion* of the *Conſtitution* ſerves for *Argument*, but when you come to *Practice*, every the leaſt *Oppreſſion* is a *total Subverſion*, and a *total Forfeiture* of the *King!* And every thing is *Oppreſſion* that any Man thinks ſo, when it is his own Caſe! So that if the *King* hurts a *Hair* of my *Head*, or gives me a Hard *Word*, or but a Sour *Look*, or *Denies* me any thing I Ask, or *Delays* it, and if I pleaſe to think this any *Injury* to me; then this *Injury* is *Oppreſſion*, and this *Op-*

preſſion is a *total Subverſion* of the *Conſtitution*, which was Deſign'd to do *Juſtice* to every Man, and to *Reward* every Man according to his *Deſerts*; and every Man is *Judge* of his own *Deſerts*, and of any *Action* whereby the *King* has *totally Forfeited* his *Authority!* Which being the Eſtabliſhed *Rule*, according to Mr. *Hoadly*, and the only *Foundation* upon which *Reſiſtance* can ſtand (for be it Obſerv'd that Mr. *Hoadly* allows of *Reſiſtance* againſt *Parliaments* as well as *Kings*, which puts the *laſt Reſort* in the *People* againſt *Both)* conſequently every Man is *Judge* when the *King* has *Forfeited*; and a *Judge* is not obliged to give any Reaſon; or, which is the ſame, he may ſay the *King* has an Evil *Diſpoſition*, and tho' he has not *Tyrannized*, yet he Doubts not, He *Wou'd* if he *Cou'd!* And it is as Eaſy a thing to *Judge* of a *Diſpoſition*, as to find a *Stone* to throw at a *Dog*.

It is in vain for Mr. *Hoadly* to ſay, That in ſuch Caſes Men ſhould *Judge* according to *Reaſon*. For who is *Judge* of *Reaſon?* And wou'd he make Himſelf *Judge* of the *Reaſon* of all the Free-Born *Britains*, that they muſt not *Rebel* till He gives the Word! This is *Tyranny* in the Abſtract. The very *Tyranny* of *Rome*, that Men muſt not *Think* but as the *Pope* pleaſes! Does not this Diſcover a *Diſpoſition* bent upon *Tyranny* and *Oppreſſion?* And what *Oppreſſi-*

on ſo Great as upon Mens *Conſciences* and their *Reaſon?* Therefore, Mr. *Hoadly*, you muſt be *Depoſed*, for taking upon you to Write *Meaſures* of *Submiſſion*, to *Stint* or *Limit* the *Cauſes* when Men ought to *Rebel!* It is their *Birth-right*, and every Man is *Judge* of it for Himſelf! Some think ther was ſufficient *Reaſon* to *Rebel*; Others think ther was not. They are *Both* in the *Right!* For each *Judges* according to his own *Reaſon*. And for you to *Judge* either of them, and Hunt the *Government* upon them, is to ſet up your ſelf *Judge* over them All! To Deſtroy the very *Principle* you wou'd Maintain, the *Freedom* of Mens *Judgments*, which you *Invade* while you *Blame* any, or wou'd Expoſe them to *Puniſhment*.

Now, *Think*, Mr. *Hoadly*. Does not this Deſtroy all *Government* out of the World? Can ther be any *Government* where ther is not a *Judge*, a *laſt Reſort*, as to all Matters of *Government?* But you Allow of no *laſt Reſort* betwixt *Prince* and *People*, of no *Judge* when the *King* has a *Diſpoſition* to *Tyranny*, and ſo has *totally Forfeited* his *Right* to the *Crown*, but you have left every Man to *Judge* of that as he Pleaſes. And is not this a *total Diſſolution* of all *Government?* And Releaſing Men from all *Obligation* (at leaſt in *Conſcience*) to any *King* or *Government* whatſoever? For I ſtill mind you, That you *Limit* not your ſelf to the *Forfeiture* of *Kingly* Government only, but you Extend *Reſiſtance* to *Parliaments* too, or any Sort of *Government*, whether in the Hands of *One* or *More*. And you make an Evil *Diſpoſition* to be a *total Forfeiture* in *Them*, as well as in a *King*; and every Man to be *Judge* over *Them*, as well as over *Him*. So that here is a fair Riddance at once of all *Government* of what Sort ſoever that can be Deviſed among Mankind, while ther is a *Power* lodged in the Breaſt of every One of the *Subjects*, which is *Superiour* and *Paramount* to that which is Lodged in the whole *Government*, to *Judge* of their *Governour* or *Governours*, and of their *Diſpoſition*, to take *Arms* againſt them, and *Depoſe* them, whenever *Tom*, *Dick*, or *Will*, ſhall ſo think fit!

(11.) The *Rehearſal* took a great deal of Pains with you, upon this Head, to ſhew the Neceſſity of a *Judge* and *laſt Reſort* in *Government*: And that *Pretences* will never be wanting, and theſe ſaid to be the moſt *Plain* and *Evident* of any thing in the World. Pray, Read *Rehearſ*. N. 9, 10. of the 3d *Vol.* But his Labour is Loſt upon you, for you take no Notice of this, nor give any *Anſwer* to it in all your *Book*, only you *Aſſert* and *Re-Aſſert* your own *Principle* of *Every Man* being *Judge*, without

out Regarding the Evident and Neceſſary *Conſequences* that Attend it, and are *Inſeperable* from it.

And to Obviate the *Fallacy* of that Queſtion, *who ſhall be Judge?* When Apply'd to Matters of *Opinion* or *Belief*, he began that 3d *Vol.* upon this *Subject*, and ſhewed in the firſt *Six* Papers, how much out of Purpoſe this *Queſtion* is Asked by the Diſputants for the *Church* of *Rome*, of a *Judge* in Matters of *Faith*.

But then he proceeded to ſhew the Abſolute *Neceſſity* of it in Matters of *Government*, and that no *Deciſion* can Poſſibly be made in Diſputes of *Meum* and *Tuum*, and the Regulation of *Civil* Affairs, in a *Family*, or *Army*, or *Nation*, without a Settled *Judge*, in whom muſt be the *laſt Reſort* as to all *Differences* of this Nature; and who ſhall *Determine* by his *Authority*; which only can *Determine*, and not *Law*, or *Juſtice*, or *Reaſon*. As ſhewed in the *Rehearſ*, Vol. 3. N. 28. All which you have ſlipped over, as not Worth your Notice, or for ſome other Reaſon!

(12.) You have likewiſe wholly Neglected the *Proofs* he brought from the *Laws* of the Land againſt *Reſiſtance*. See the *Acts of Parliament* upon this Head, ſet down in the *Rehearſ.* Vol 2. N. 44. But you did Wiſely, for if you had Meddled with this Matter, you had but One of

Two to Pitch upon; either to have told the World, That the Doctrine of *Reſiſtance* which you Maintained was in Direct Oppoſition to all the *Laws* of *England*, and made *Treaſon* by Them; which would not have done well by any Means! Or elſe to have ſaid, That ther was an Imply'd *Reſerve* for *Reſiſtance* in all thoſe *Laws*, tho' you cou'd not ſhew it; Nay, tho' they expreſly Declared againſt any ſuch *Reſerve*, and Barr'd any *Exception* or *Pretence* whatſoever!

Some Object, That that *Clauſe* in the *Act of Uniformity*, *of its not being Lawful to take Arms*, &c. *upon any Pretence whatſoever*, is *Repealed* in the *Statute* 1 *Will.* and *Mary*, enjoining the New *Oaths*. *Anſ.* 1. It is not *Repealed*, only the *Subſcription* to it taken away, notwithſtanding which, it is ſtill *Law* as much as Ever. *Anſ.* 2. Other *Laws* Declare the ſame, as the *Statute* 12. *Car.* 2. c. 30. Which ſays, That it is the *Fundamental Law* of this *Kingdom*, and ever *Hath been* ſo, that no *Reſiſtance* or *Coercion* is to be uſed againſt the *Prince*, either by *Parliament* or *People*, or *any other Perſons whatſoever*. And 13. *Car* 2. c. 6. All even *Defenſive* War againſt the *King* is Declared to be Unlawful; and the Power of the *Sword* is Recognized to be Wholly and Solely in the *King*. Theſe *Laws* are too Expreſs for you to find any ny *Reſerve* in them, without making them *Contradictory*, and even *Nonſenſe!* No *Lawyer* will ſay, That a *Reſerve* is to be ſuppoſed againſt the plain *Letter* of the *Law*. Elſe all our *Laws* might be overturn'd at Pleaſure! And if we muſt not *Diſtinguiſh*, where the *Law* does not *Diſtinguiſh*, if this be a ſettled *Maxim* in our *Law*; Then ſurely we cannot *Except* where the *Law* does not *Except*, elſe every Man might *Except* Himſelf! And a *Reſerve* is nothing elſe but an *Exception*, of ſuch a *Caſe* or *Perſon*. Whoever has Power to make *Reſerves* in *Laws*, has the whole *Legiſlative* in his own Hands, and may make our *Laws* ſpeak what He pleaſes. And if we will not Allow ſuch an *Authority* in the *King*, what is that *Subject* dares Pretend to it! But in vain do theſe Men Fancy *Reſerves*; for a *Reſerve* is nothing, where ther is not *Coercion* to *Inforce* it; without this, all our *Laws* wou'd be *Blanks*, what ſignifies a *Law*, where ther is no *Authority* to put it in *Execution?* But the *Law* allows of no *Authority* Superiour to the *King*; and Barrs all *Coercion* upon him; therefore the *Law* Barrs all *Reſerves*. Again, Ther muſt be ſome *Pretence* for Starting up any ſecret *Reſerve* for *Reſiſtance:* But the *Law* Barrs *any Pretence whatſoever* for *Reſiſtance:* Therefore the *Law* Barrs all *Reſerves* for it. Once more, Mr. *Hoadly*, and to have done —— The

Law makes it *Treaſon* to *Imagine* the *Death* of the *King*, or to take *Arms* againſt Him: But to ſet up *Reſerves* where we may take *Arms* againſt Him, is ſome ſort of *Imagining:* Ergo —— And have a Care you Deal not with your Doctrine of *Reſerves*, as with your Doctrine of *total Subverſion*, to *Imply* it upon the leaſt ſuppoſed *Injury* done to your ſelf, or to any body elſe; Nay, upon your *Fancy* of a *Diſpoſition* in the *King* (or *Queen)* towards it! You ſee the Doctrine of *Reſerves* has a Long *Tail* ——— And if it be not *Kept out* upon *any Pretence whatſoever*, it will *Come in* upon *any Pretence whatſoever!* It is Time for the *Queen* to look after ſuch *Managers* of the *Prerogative* of the *Crown* ſhe Wears! Such *Reſerves* (if that Doctrine prevails) will ſoon make it a *Crown* of *Thorns* to her! For it puts both her *Crown* and *Life* too at the *Mercy* of every *Hoadly* in the *Nation!* They *Own* it, they *Profeſs* it, they *Juſtify* it, they *Glory* in it, That ſhe Holds them by no other *Tenure:* And to Compleat their *Modeſty*, and their Opinion of her Majeſty's *Penetration*, they Argue to her Face that they are her Beſt *Subjects*, and ought moſt to be Truſted by her, and that ſhe ſhould put her ſelf wholly into *Their* hands; for this very Reaſon, becauſe they are for the *Depoſing* Doctrine, are her *Maſters*, and that as ſhe has no *Right* but from *Them*, ſo ſhe muſt *Reſign* it whenever *They* pleaſe to Call for it, and for her *Life* together, if *They* think it *Convenient* for any further *Project* they may have in View!

(13.) And here we may Judge concerning the ſeveral *Parties* amongſt us, which of them are moſt ſincerely for the *Queen*'s Service, and in whoſe Hands ſhe is moſt Secure? *Principles* are a good *Rule* to Judge by, for Men always follow their *Principles*; except in one only Caſe, that is, when they Interfere with their *Intereſt*; and then, with the Generality of the World, *Intereſt* gets the Better. *Principles* may be *Overborne*, and *Profeſſions* may be *Hypocritical*, but *Intereſt* will not *Lie*. Therefore *Intereſt* is the moſt ſecure *Rule* to Judge by among us at this Time. Let us ſee then, let the *Queen* Conſider, whoſe *Intereſt* is it to have Her out of the Way? Whom wou'd it put *Nearer* to their *Hopes*, and whom wou'd it put *Further* off? Who then will *Pray* moſt Heartily for her *Life*, and Endeavour to *Preſerve* it, They who *Gain* or *Loſe* by it, according as they have Laid their *Intereſt*? Wou'd not *They* wiſh *Her* to *Live*, whoſe *Death* wou'd Ruin all their *Expectations*, at leaſt make them far more *Deſperate*? Or wou'd *They* be moſt *Griev'd* at her *Death*, whom it wou'd put in Immediate *Poſſeſſion* of their long Formed *Deſigns*?

Deſigns? The *Neareſt* Danger is the *Greateſt*. And who are they that are *Neareſt* to the *Accompliſhment* of their *Deſigns?* Look to their *Working*!

It does not ſeem the greateſt *Complement* to the *Queen* to be always minding her of the *Succeſſion*, to be Ringing her *Death Peal* in her Ears from Morning to Night — People do not Delight to *Speak* much of what is a *Grief* to them to *Hear*. If to *Imagine* the *Queen's Death* be *Treaſon*, what is it to be always *Talking* of it? It is Setting a *Death's Head* upon the Table before her. This is not the Old, *O King live for ever*. Queen *Elizabeth*, though *Old*, did not Care to be told of her *Succeſſor*. Nor thought them her Beſt *Friends* who made moſt Stir about it. It would not have paſſed for *Court-Language* at that Time.

We have now ſeen all the Objections againſt the *Patriarchal* Scheme. And the Teſtimony of the moſt Learned of the *Heathen* to the Supreme *Paternal* Authoriety, even as to *Life* and *Death*. And that this was the *Original* of *Government* among *Mankind*, and perfectly *Monarchical*. They wanted only the Hiſtory of *Adam*, and the firſt Erection of *Government* given by *God* to him, to have Spoken all that I have ſaid of the *Patriarchical* Scheme.

But ther is one thing I have not yet done, which is to give a *Deſcription* of that

Imaginary *Independent* State of *Nature* which our *Whiggs* ſuppoſe, to Found *Government* upon the Free and Equal *Vote* of all the *People*. This is a *Farce* in it ſelf. And ther are other Modern *Schemeſters* no leſs *Ridiculous*. One eſpecially has Provoked my *Indignation*, who is ſo Proud that he knows it not, and Boaſts of his *Temper*, while he is moſt *Inſulting*. For what *Cauſe* we ſhall ſee——

And having been ſo long wholly upon the *Serious*, it may not be Unacceptable to the Reader to *Unbend* the *Bow* a little, and after having *Argued*, to *Act* theſe *Schemes*, that we may ſee their Natural *Faces*. It adds too much Weight to them, to be always *Grave* upon them. People may think ther is *Something* in them! It will make them Appear more Clearly, when they are Compared together. To which *Sight* I now Invite you.

[illegible] very [illegible] State of Nature [illegible] out [illegible] suppose, so Round O- [illegible] the Pefs and Equal Force [illegible] This is a Lafs in it left [illegible] are other Modern Attempters no [illegible] One especially has Pro- [illegible] my Judgement, who is so Proud [illegible] he knows it not, and Boasts of its [illegible] while it is most Injurious. For [illegible] Case shall Rest —— [illegible]

[illegible] having been so long wholly upon the Nerves, it may not be unacceptable to [illegible] to Forward the Bow a little, and [illegible] having [illegible] to [illegible] the Strokes that we may see their Natural Force. [illegible] too much Weight to them, to be always Grave upon them. People may think [illegible] is Something in them! It will make them Appear more Clearly, when they are Compared [illegible] To which [illegible] I now Invite you.

A
BATTLE ROYAL
BETWEEN
Three COCKS
OF THE
GAME.

Mr. Higden,
Mr. Hoadly,
Mr. Hottentote.

As to the *State* of *Nature* and of *Government.*

By a MAN of LEASURE

PROLOGUE.

THE *Rehearſal* ſhews an *Eclips*, in the *Sun*, *Moon*, and *Earth Dancing* the *Hay*. The like Repreſentation of *Government* you will ſee in this *Battle-Dance*: The *Sun* reſembles *God* the *Fountain* of *Power*, as of *Light*: This *Power* is Reflected from Him upon the *Moon* and *Stars*, the *Governours* whom He has Appointed under Him: But when the *Titans*, the Sons of the *Earth*, Interpoſe the Power of the *People*, they Intercept the *Rays* of the *Sun*, and there is an *Eclips* of *Government*.

This *Prerogative* of the *Sun* Mr. *Hoadly* calls the *Patriarchal* Scheme Set up by the *Rehearſal*. But the *Rehearſal* places the *Original* of *Government* in the Poſitive *Inſtitution* of *God*, though at the ſame time he ſhews it to be Conſequential and moſt Agreeable to the Frame of our *Nature*, as being all Deduced from one Common *Father*. Which *Patriarchal* or *Fatherly* Authority is not only Founded in *Nature*, but moſt Expreſly and *Originally* in the firſt *Inſtitution* of *Government* Placed by *God* in *Adam*.

Now Dr. *Higden* in the *Defence* of his *View of the Engliſh Conſtitution* Ridicules this *Patriarchal* Scheme, as well as the *Men of Leaſure* who ſet it up. And ſays in his *Preface*, p. 4. "That Laws are "Rules given by the *S*upreme Autho-"rity Obliging the Subjects to Regulate "their Actions by them, in Order to the "Publick Peace and Tranquillity of the "Realm; without any Regard to the "*Patriarchal* or *Popular* Scheme.

That is to ſay, the *Engliſh Conſtitution* has no Regard either to the *Inſtitution* of *God*, or the *Election* of the *People!* But whatever *Government* we find over us, to *Submit* and *Obey* for the Publick *Peace* and *Tranquileity*.

But he Dares not ſtand by this, for in the Caſe of *Oliver* he Requires us to look back and Examin by what Means the *Supreme Authority* came by their *Power*; and if we find it not to be *Juſtly* and *Legally* Eſtabliſhed, he Abſolves us from all *Obedience* to it. This throws his *de Facto* down to the Ground, and makes every Man a *Judge* over the *Government*.

Theſe things have been *Seriouſly* and *Calmly* Debated by *Men of Leaſure* (though the *Doctor* is not yet over-Burdened with *Buſineſs*, but is not in *Haſte*) And the *Anſwers* made to them have ſtudiouſly Avoided the *Streſs* of the *Cauſe*, and ſought to Divert the Readers with *Circumſtantials* of no Conſequence, and long *Stories* nothing to the Purpoſe.

For which Reaſon I have here brought the Matter to be *Acted* as upon the *Stage*, that Men may *See* it, as well as *Hear* it. And let not the *Gravities* of the *Actors* be Offended, for I have done them no Injury in the *Argument*, nor put any *Affront* upon them, unleſs it be to Introduce them into one anothers Company.

The *Hottentote* argues againſt all *Government* whatſoever, for the *Natural* State wherein ſome ſuppoſe them to be. But I grant this *Image* is not Perfect, becauſe they are allowed to have *Fathers* and *Mothers*, which is utterly Inconſiſtent with that *Independent* State of *Nature*, which is neceſſary to make the *Choice* of the *People* the *Original* of *Government*. For *Fathers* with full and abſolute *Authority* over their *Families*, are in every Reſpect *Civil* Governments. And ſeveral of theſe *Uniting* together to make one *Family* or *Government*, (which ſome would have to be the *Original*) can no more make ſuch an *Union* the *Original* of *Government*, than the *Union* of *England* and *Scotland* ſhews that ther was no *Government* in either of them before; or in the *Heptarchy* of *England*, becauſe they are now all Reduced to one *Monarchy*. For *Magis & Minus non variant Speciem*. A *Family* is a little *Kingdom*, and a *Kingdom* is nothing but a Great *Family*.

Therefore ſuch a *State* of *Mankind* where All are upon the *Level*, and the Conſent of every *Individual* made neceſſary to the Erection of *Government*, as *Lock* and others ſuppoſe it, becauſe that every Man is *Free-Born*, and that no Man's *Life*, *Liberty*, or *Property* can be Diſpoſed of but by his own Conſent, I ſay, ſuch a *State* cannot be called the *State* of *Nature*, becauſe *Nature* implys *Fathers* and *Mothers*; it may be called a *State* of *Mankind*, but not of ſuch *Men* as we are, but of a *Shower* of *Men* Rained down from the *Clouds*, or New *Created* in *Multitudes*, like the *Beaſts*, *Fiſh*, and *Fowle* at the Beginning, and no one Dependent upon the other. So that even the *Hottentote* cannot Repreſent this *State*, which yet is neceſſary to make the *People* the *Original* of *Government!*

And when Men will not be Argued out of ſuch *Extravagancies*, but Maintain them with a Grave *Face*, and an *Air* of *Perſuaſion*, nay even of *Inſulting*; what is to be done but to ſhew them in their *Colours*, to ſet a *Looking-Glaſs* before them, that they may ſee their *Shapes!*

The Curtain Draws, And ſhews the Triumvirat *ſtanding* Triangular.

(1.) *Hottentote.* Come, Gentlemen, let us to Work—— I have no *Art* nor *Flouriſhes.* I begin with you, Mr. *Hoadly*, becauſe you are my Old Acquaintance. You and I had once a Diſcourſe about the *Original* of *Government.* You place it in the *People*: Againſt which I have *four* things to ſay.

1. That I ſuppoſe the *People* would never have Thought of it, but Lived on in their *Natural* State, like the *Beaſts*, *Fiſh*,

and *Fowle*. For how ſhould they know any other than their *Natural* State? *Nature* teaches Nothing beyond *Nature*.

2. A free and equal *Vote* of the *People* could never have been Collected in the *Natural* State.

3. Suppoſe it Collected, why ſhould the *Major Vote* Conclude the Reſt? Some might Prefer the *Natural* State, and deſire no *Government* at all. And others might Differ about the *Modelling* of it, ſome for *Monarchy*, ſome for *Commonwealth*, &c. as we ſee it now among you. And if the one ſide be *Forced* by the other, then *Force* and not *Conſent* is the *Original* of *Government*.

4. Every Man may withdraw his *Conſent*, when he finds it *Prejudicial* to him. This is the certain *Privilege* of *Nature*. May not a Man Change his *Opinion?* Otherwiſe he has not the free Uſe of his *Reaſon*. And to Debar him from this, is to Diveſt him of the very *Nature* of *Man*. And why would you Alter my *Opinion* now, if I have not a *Right* to Alter it, upon better Information?

(2.) *Hoad*. But it is not *Juſtice* to *Alter* it, when it is for the Good of *Others*; as upon Entring into *Society*.

Hott. My *own Good* is to take Place of the *Good* of *Others*. This is *Self-Preſervation*,

tion, which you make the Foundation of all *Society*.

Hoadly. It is really for *Your own* Good to ——

Hott. What! To be *Hanged*, if the *Society* ſo think fit!

(3.) *Hoad*. Conſider the many *Benefits* of *Society*, it is this Secures all you have, your *Liberty*, your *Property*, and your *Life* too; which otherwiſe wou'd lye Open to the Invaſion of every Body, if they might do it without *Puniſhment*.

Hott. That is, I muſt let you *Hang* me Quietly and Soberly, for fear another Man ſhould Kill me, for whom I am an equal Match, and may Defend my ſelf from him! And to avoid the Danger of this, I muſt Create an over-Match for my ſelf, and Enter into *Society*, which is too Powerful for me, and may *Hang* me up at their Pleaſure!

Hoad. But *Society* will not do this. They have *Laws* to go by. And they cannot *Hang* you Unjuſtly, without making a *Precedent* for Themſelves, that every Man may be *Hang'd* by the ſame *Rule*.

Hott. And how well they Obſerve this! This is a Remote *Proſpect*, and will not *Fright* them ſo much, nor *Defend* me ſo well, as my *Sword* in my Hand againſt any that *Aſſaults* me.

And what are your *Laws?* They are a meer *Tool* to ſerve Men in *Power* to Cruſh all others. It is not what you have *Said* or *Done*, but what *Party* you are of, or *Suſpected* to be! Whence it is a *Proverb* among you, ſhew me the *Man*, and I will ſhew you the *Law*. And it is better for One Man to *Steal* a Horſe, than Another to *Look* over the *Hedge*. Have I not heard you ſay, He ought to be *Proſecuted*, he ſhou'd be made an *Example!* Why? What *Evil* hath he done? What has he *Said*, that others have not ſaid, and *ten Times* as much? No Matter for that —— They are our *Friends*, they may ſay what they will: But He is a *Rogue*, we know what he *Means!* And by the Help of *Innuendo's*, and *Ironice*, we can make *Treaſon* of every thing he ſays, tho' it be for the *Government!*

Does not your *Law* turn with every *Blaſt* of *Wind?* Here are *Two* Fighting for the *Crown*, the *Law* Stands by, and Waites the *Succeſs*; and will *Hang* thoſe that are *Beaten*, and Recognize the *Conquerour*: And if the other *Conquer* him again, then the *Law* turns to his Side again, and calls him an *Vſurper*, whom it own'd as the Rightful *King* before; And will *Hang* thoſe that Fought for him, as it did thoſe who before Fought againſt him!

(4.) *Higden.* And all this is Right, for the *Law* knows no *King* but Him in *Poſſeſſion.* Without this, ther can never be any End of *Diſputes.* Therefore the *Right* goes always along with the *Poſſeſſion.*

Hott. Is it not Eaſier to ſay, Ther is no *Right* at all? or does a Man Loſe his *Right*, becauſe he is *Robbed* againſt all *Law* and *Juſtice?* Thus in our *Country*, where we have no *Laws* or *Government*, if one Man Snatches a *Gutt* from another, it is his own, as long as he can keep it. And we trouble not our ſelves about *Laws* or *Right.* Theſe are only *Words* to *Embroil* the Matter, and make Diſputes *Endleſs*, and Create New *Diſturbances.* And after all, it comes to the ſame as with us, that *Poſſeſſion* does the Whole, let it Change as oft as it will.

Hoad. Indeed, Mr. *Higden*, you have given great Advantage to the *Hottentote* by your New *Scheme.* For to ſay, That meer *Poſſeſſion* gives *Right*, is the ſame as to ſay, Ther is no *Right* at all. We *Whiggs* are greatly Offended at this, and the *Tories* are not Pleas'd. It ſerves no Purpoſes on either Side, and is only an Encouragement to *Robbery* and *Injuſtice.*

Hig. And how does your State of *Nature* Mend the Matter? To build all *Government* upon what *Nature* dictates, to make this the *Original* and *laſt Reſort* of

Government. This is Coming directly into the Mouth of the *Hottentotes*. There we ſee *Nature* in its Primitive *Simplicity*. And thence we muſt Learn what are the *Laws* of *Nature*, and what it wou'd Dictate as to *Government*; being left to its ſelf, without all that *Fucus* and *Diſguiſe* which the *Politer* Nations have put upon it: Who yet cannot Agree what theſe *Laws* of *Nature* are, eſpecially as to *Government*. Therefore I am perfectly of Opinion, That ther muſt be ſome DIVINE *Original* for it, and not left meerly to *Nature*.

Hott. This makes the Matter Harder againſt you, Mr. *Higden*. For to ſay that *Government* is the *Inſtitution* of *God*, and yet gives no *Right*, or none but what is *Extinguiſhed* by any *Robbery* or *Uſurpation*, is to make very little of *Divine Right*; and to Subject it even to *Nature*: For *Nature* gives a Man a *Right* to *Recover* what is taken from him by *Force* or *Fraud*. And the Inſtances out of your own *Scriptures* ſeem to make Directly againſt you. For *David* Recover'd his *Poſſeſſion*, and *Joaſh* his *Inheritance*, againſt thoſe who were *Unjuſtly* in *Poſſeſſion*; And none could be *Unjuſtly* in *Poſſeſſion*, if *Poſſeſſion* gives *Right*: And *David* and *Joaſh* were both *Rebels* and *Traytors*, by your Rule, becauſe they Fought againſt thoſe in *Poſſeſſion*! But if they had not had *Succeſs*, the *Law* wou'd have *Attainted* them Both. And ſo the Matter is *Solved!*

Head. Take up your *Divine Right*, Mr. *Higden*, and your *Right* of *Poſſeſſion!*

(5.) *Hott*. And you both, Gentlemen, take up your *Laws* and *Conſtitution!* They ſerve for nothing but *Diſpute*, and to ſhew your *Learning*; for in *Practice* they all Come to the ſame with us *Hottentotes*—— *Quod libet, licet*—— That we may *Juſtly* do, whatever we have *Power* to do — To keep what we have *Got*, and to *Get* what we can. Only you have this Advantage of us, That you *Robb* in *Juſtice*, and Eſtabliſh *Iniquity* by *Law*; And (becauſe you muſt have in *Religion* too) you *Father* all this upon *God*, and call it his *Cauſe*; which you are ſure of by His giving it *Succeſs* (yet you Allow it not for a good *Argument*, when it goes againſt you) And to make it fully *Right*, you *Swear* to go on with it, and *Pray* to *God* to *Proſper* you in the *Breach* of His *Commandments!* For both Sides *Pray* thus, and Both cannot be *Right*. This is the *Privilege* of you *Chriſtians!* And this was the conſtant *Practice* during that long *Conteſt* between *York* and *Lancaſter*, and GRAND REBELLION from 1641 to 1660. But we *Hottentotes* can *Sin* at a much Cheaper Rate. We *Affront* not *God*, nor *Banter* Him in our *Diſputes*. If we *Robb*, *Kill*, or *Steal*, we carry it no farther than our ſelves, we Charge it not upon *God*, or any Body elſe.

And if any thinks himſelf *Wronged*, he has a nearer *Remedy* than your *Laws*. He Rights himſelf if he can, or elſe he ſits down by the *Loſs*. Which many wiſh they had done, who have Ruin'd themſelves by Law. Your *Law* is a certain *Injury*, becauſe let my *Cauſe* be never ſo *Juſt*, I am put to *Charge* to Proſecute it. And that is a *Puniſhment*, it is a *Fine* upon me. And what is that *Law* which *Puniſhes* a Man before it Appears that he is *Guilty*? I am ſure to be *Puniſhed*, but I am not ſure to be *Redreſſed*. For after all my *Expence* and Loſs of *Time*, and *Haraſſing* my very *Heart* out in *Attendance*, it is a meer *Lottery* how the *Cauſe* will go. How many *falſe Judgments* are ther, and *Judgments* that are *Reverſed*? Falſe *Witneſſes*, Corrupt *Juries* not to ſay *Judges*, the *Tricks* and *Quillets* of *Lawyers*, &c. So that a Man had better throw *Dice* for it at firſt. The *Law* is the *Box*, both *Gameſters* put in there; and if they Play long, it gets All. It is from theſe *Fools* that the *Lawyers* Raiſe ſuch vaſt *Eſtates*, and Live in the greateſt *Palaces* in *London*. But ther is not ſuch a *Fool* in all *Hottentote-Land*, nor can be by our *Conſtitution*.

(6.) But pray tell me, Mr. *Higden*, do you allow, That *Poſſeſſion* gives *Right* in *Meum* and *Teum*, among *Private* Perſons, as it does to *Crowns*?

Hig. No ſurely. That wou'd make as wild Confuſion as among you *Hottentotes.*

Hott. What is the Reaſon of this Difference? Has the *Crown* then no *Right* at all? Or, has every body in the Nation a *Right* to *Recover* what is *Unjuſtly* taken from him, except the *King* only? If ſo, your *King* is in a worſe Condition than the meaneſt of his *Subjects.*

Hig. The Reaſon of the Difference is this, That every *Subject* has the *Law* for his Remedy. But the *King* has the *Supreme Power*, and is *Sovereign*, and therefore Above the *Law*, and cannot be *Tryed* by it. And conſequently, he cannot *Recover* his *Right* by it. Beſides, the *Law* is againſt him whenever he loſes the *Poſſeſſion*, for the *Poſſeſſour* always has the Command of the *Law*; and therefore the *Law* muſt *Extinguiſh* the *Right* of the *Diſpoſſeſſed*, upon Pain of *Treaſon*; or elſe it is Guilty of *Treaſon* againſt the *Poſſeſſor*.

Hott. I ſhall never get my *Hottentots* to Underſtand this. The *King* is *Above* the *Law*, therefore *Subject* to the *Law*! He holds by a *Tenure* Immediatly from *God*, therefore the *Law* can Extinguiſh his *Tenure*!

nure! He is the only *Fountain* whence all the *Right* in the *Subjects* is *Derived*, and yet he has no *Right* himſelf! He *Repoſſeſſes* others who are unjuſtly *Diſpoſſeſſed*, but he ought not to be *Repoſſeſſed* himſelf! Again, The *Law* is a *Captive* to the *Conquerour*, yet the *Conquerour* is *Eſtabliſhed* by the *Law!* So that the *Law* is Above the *King*, and the *King* above the *Law* —— Which is *Uppermoſt!* I will carry this to the *Hottentotes*. They too *Play* at *Riddle* me ——— *Riddle* me ———

(7.) *Hoad.* You have Deſerv'd this, Brother *Higden*. This is the End of your *Jure Divino* and *Paſſive-Obedience!* If you wou'd let the *King* be made by the *Law*, and *Depoſable* by the *Law*, as we Honeſt *Whiggs* Maintain, you wou'd not have fallen under this *Dilemma*. And your bare *Poſſeſſion* giving *Right*, Involves you Deeper and Deeper!

(8.) *Hott*. Gentlemen, agree among your ſelves —— But you, Mr. *Hoadly*, I have a Queſtion to Ask you. You ſay, the *Law* made the *King*. Pray, who made that *Law?* Can a *Law* be made without the *King?* If not, then the *King* muſt be Before the *Law*. And if you go to the Beginning of *Government* in the World, then you muſt ſhew me a *Law*, before ther was any *King* in the World. And you muſt tell me, Who made that *Law*, and by what *Authority*.

Hig. Anſwer you that, Brother *Hoadly*. You are as Deep in the *Mud*, as I am in the *Mire*! For what can be Greater than to Pawn ones *Soul* for the *Truth* of what he *ſays*, or *Promiſes*? Therefore we make our *Kings* take a *Coronation-Oath* to obſerve our *Pacta Conventa*.

Hott. And you are juſt as *Secure* by that, as He is for your *Oaths* of *Allegiance*! You have hidden *Diſtinctions* and *Reſerves* in them! And you can *Transfer* your *Allegiance* to his *Enemy*, and yet be ſtill true to your *Allegiance*; it is but Changing the *Object*! As a Man may *Marry* another *Wife*, and ſtill keep true to *Matrimony*, for it is but Changing the *Object*! Had not you as good come to our Faſhion, to have no *Oaths* at all, but Deal with others, as they Deal with you? This wou'd be more like *Gentlemen*, and *Honeſt* Men. You take a Man's *Oath*, becauſe you will not Truſt his *Word*. And I am ſure I wou'd not Truſt that Man's *Oath*, whoſe *Word* I cou'd not take. For I muſt think him a *Knave*. And no *Oaths* will Tye ſuch a One. So that you make a *Net* to let through the Great *Flies* that can Hurt you, and catch only a few *Honeſt*, *Scrupulous* Folks, who will not *take* an *Oath*, becauſe they think themſelves obliged to *Keep* it. How can a Man *Keep* contrary *Oaths*, which happen in all *Revolutions?* Then come out your ſecret *Reſerves* and *Diſtinctions* (which wou'd have been *Treaſon* before) and make you a *Jeſt* to the *Hottentotes!* Can you Name one of your *National Oaths*, that have not been as *Nationally* Broken? Yet you go on ſtill in the ſame *Track!*

Let me ask you Both, *Gentlemen*, ſuppoſe you ſhould make uſe of the like *Diſtinctions* and ſecret *Reſerves* in your *Promiſes* and *Engagements* betwixt Man and Man, as in *Trade*, ſuppoſe with us *Hottentotes*; What Opinion, do you think, We ſhou'd have of your *Juſtice* and *Honeſty?* Wou'd any Mortal have *Dealings* with you, or Believe one *Word* you ſaid? But if you have more Regard to your *Honour* in *Trade* Abroad, than to your *Oaths* at Home; What *Notion*, think you, will this give us of your *Religion?*

Hig. } We cannot Deny but theſe
Hoad. } *Oaths* have given Great *Scandal*. And we Both wiſh with all our Hearts they had never been Impoſed. They are a *Load* upon Us, though We *Bear* it *Willingly* and *Freely* —— Yet we wou'd be Glad to get Rid of it, for who wou'd not be *Eaſed* of a *Burden?* And we cannot ſay, but it is ſome *Trouble* to Us to *Defend* them!

(9.) *Hott*. Now Conſider that all this comes upon you from that thing called *Government*. If you had none, you cou'd have no *Revolutions*, nor any of theſe *Convulſions* of *State*, which *Confound* and *Diſtract* you; make you Draw your *Swords*, and Sheath them in one anothers *Bowels*, and that for *Years* and ſometimes *Ages* together, before things can be ſettled, and Return to their old Condition, which you call *Conſtitution*.

Hig. { *Hoad.* { But even all this is Better than no *Government* at all. For then every one would be left free to *Deſtroy* and *Kill* one another to the End of the World, and we ſhould not have one Hour of *Quiet* or *Security*.

Hott. Left free —— Yes, why ſhou'd not every one be left *Free?* Do not you love *Freedom?* Are you not *Fighting* for it? How many thouſand *Lives* has it coſt you to Defend your *Freedom?* Are you not *Free-Born Engliſh Men?* And what is *Freedom*, but to do every thing I pleaſe? If I am *Reſtrain'd* in any thing, my *Freedom* is taken from me. And then I muſt not do what *I* pleaſe, but what You pleaſe. This you call *Government*. But it is a perfect *Contradiction* to the *Law* of *Nature*, which ſets every Man upon the Level. *Subjection* and *Freedom* are as *Oppoſite* as *Eaſt* and *Weſt*. Where the *One* is, the *Other* cannot be. Yet you ſay, you are *Free Subjects* —— *Free* and yet *Subject!* *Senſeleſs*, and *Silly!* Never talk of a *Hottentote*'s Underſtanding any more.

(10.) *Hoad.* By *Liberty* we do not mean a *Lawleſs Licentiouſneſs*, to do what we Pleaſe: But a *Liberty* under wholeſome *Laws* for our *Good.*

Hott. Ay! There's a Fellow going to be *Hanged* for his *Good!* His *Hands* are Tyed behind him, and he has a *Rope* about his *Neck*, yet he is perfectly *Free!* Do not think to *Banter* us *Hottentotes* at this *Simple* Rate! You are the *Hottentotes*, the *Mad*, the *Fooliſh* Fellows you call us!

Hoad. Hold! You Run too faſt, Sir. We are *Free*, becauſe the *Government* cannot *Hang* us for what they Pleaſe, but they are Bounded by *Law*, and we muſt have a fair *Tryal*, and by our *Peers* too.

Hott. So you are *Free*, becauſe you are *Hanged* by a *Jury!* But what think you of an *Act* of *Attainder*, which can *Hang* you up without any *Tryal*, or giving you any *Reaſon* for it?

Hoad. This is part of our *Conſtitution*, that the *Parliament* ſhould have ſuch a *Power*, in *Extraordinary* Caſes.

Hott. Yet you are *Free!* And theſe *Caſes* happen as oft as the *Parliament* pleaſes. They are not Tyed to any *Rule*, but may make uſe of this *Power*, whenever it comes into their Heads.

Hoad. Well, but the *King* cannot *Hang* us at his Pleaſure.

Hott. That is, You are not at the *Mercy* of *one* Man, but of *five hundred!* O! Delicate *Freedom!*

(11.) *Hig.* You Run your ſelf a Ground, Mr. *Hoadly*, with your *Whigg* and *Republican* Principles. I put the *Supremacy* and whole *Soveraignty* in the *King*, and not in the *Parliament*.

Hoad. Yet you Quote *Acts* of *Attainder*, to Juſtify your *de Facto*. And make an *Act of Parliament* of the *Uſurper*, ſufficient to *Extinguiſh* the *Right* of the Diſpoſſeſſed *Prince*. As in your *View of the Engliſh Conſtitution*, p. 86, 87.

(12.) *Hott.* This Diſpute of *King* and *Parliament* makes you *Blunder* on Both ſides. You know not where to Fix your *Government*. Some ſay it is in the *King*; others, that it is in the *Parliament*; and others again, That it is in *Neither*, but only in *Both* together. You had a *Civil War* betwixt *King* and *Parliament*. And for *King* AND *Parliament*, when they were Fighting againſt one another! This confirms me in my Opinion againſt any *Government* at all. For it is better have *None*,

None, than not to know where it is, and to be Cutting *Throats* about it!

(13.) Then again I conſider how *Nations* go to *War*, and *Rebellions* are Raiſed, about nothing Elſe, but what the *Name* of their *King* ſhall be. What elſe was the Matter in that long *Civil-War* betwixt *York* and *Lancaſter*? It was not a *Farthing* to the *People* whether *Richard* the *Second*, or *Henry* of *Lancaſter*, was their *King*. The One might have *Governed* them as well as the other. What was it to *Poland*, whether *Conti*, *Auguſtus*, or *Staniſlaus*, were their *King*? They are all Honeſt Gentlemen, and any of them might have done very well. What is it to *Spain* whether *Philip* or *Charles* wears the *Crown*? Therefore I call it only a Conteſt about the *Name* of their *King*. And when I ſee *Ambitious* Men *Perſuading*, or *Forcing* whole *Nations* to *Kill* and *Deſtroy* one another about their *Rights* and *Titles*; is it not Better to have no *Rights* or *Titles* at all? But to let *Mankind* live *Quiet* and *Secure* in their Original *Freedom*, and *Independent* State of *Nature*?

(14.) *Hig.*
Hoad. } However we may Differ betwixt our ſelves, yet we muſt not let this go away with you: We are Both for *Government*, though we may

may not Agree about the *Meaſures* of our *Submiſſion.* But to have no *Government* at all, would put us in the Condition of Brute *Beaſts*, to *Tear* and *Eat* one another:

(15.) *Hott.* Whether are more *Beaſts* Deſtroy'd by *Beaſts*, or *Men* by *Men?* And which is moſt *Generous*, the *Methods* by which *Beaſts* or *Men* Circumvent one another?

Birds *feed on* Birds, Beaſts *on each other Prey*;
But ſavage Man *does only* Man BETRAY:
Preſt by Neceſſity, *they Hunt for* Food;
Man *Undo's* Man, *to do himſelf no Good*!

The *Cannibals* are more *Rational* than you are: For they *Eat* their *Enemies*, ther is ſome Uſe in that. But you *Kill* for *Killing* Sake! Nay, where you have no *Spleen* nor *Malice* to Gratify! Thus *Nations* are Called out to *War*, and *Deſtroy* one another; whom they never ſaw before, not a Man of them, but wou'd *love* them and Live *Friendly* with them, if they were left to Themſelves, to follow their own *Nature*; but now muſt Count them their *Enemies*, and *Kill* them, becauſe ſo Commanded by their *Governors*, to ſatisfy their own *Ambition*, *Revenge*, or *Freak*: And if they do it not willingly, they ſhall be *Preſſed*, and *Forced* into the

Mouth of a *Cannon*, and Leave their *Wives*, and *Children* to *Starve* at *Home*! This is the Benefit of *Government*! And more *Men* are *Deſtroyed* by this, than *Beaſts* by *Beaſts*. We *Hottentotes* ſometimes *Quarrel* among our ſelves, as you do; and ſometimes a *Man* may be *Killed*. But not ſo many in many *Ages*, as in an *Hours* time with you, upon a *Field* of *Battel*! You make an Art of *Killing*, and they are the *Braveſt* Men who are moſt *Skilful* to *Deſtroy*! He whoſe Trade it is to *Kill* a *Beaſt*, is a *Butcher*; but He who Butchers *Men* is a *General* and an *Hero*! And all the Excuſe is, That without this, your *Government* cannot be ſupported! Are not We then well Rid of it, and Live we not more *Lovingly* together, and more like *Men*? We ſhew you what the *Original* and *Independent* State of *Nature* is. And what has *Mankind* got by Leaving this Happy *State*, and Erecting *Government* among themſelves, as you Mr. *Hoadly*, ſuppoſe the Caſe to be?

(16.) *Hoad.* To *Government* we owe the *Civilizing* of *Mankind*, and Cultivating *Arts* and *Sciences*. Look upon the *Governed* part of the World, what Glorious *Cities* do you ſee; what Sumptuous *Courts* and *Palaces*; how many *Univerſitys*, *Colleges*, and *Schools*, for *Philoſophy*, *Divinity*, *Law*, *Phyſick*, &c. *Academys*, for *Painting*, *Sculpture*,

ture, *Statuary*, *Dancing*, *Fencing*, *Riding*, &c. Stately *Exchanges* and *Halls* for *Trade*; Noble *Courts* of *Judicature*, and Beautiful *Inns* of *Court*; Large *Edifices* for ſeveral *Mechanical* Operations; eſpecially for *Navigation*, ſo *Neceſſary* and *Beneficial* to *Mankind*, in Carrying on *Trade* and *Commerce* through the World; and laſtly the *Arts* of *War*, which are Wonderful *Encampments*, *Fortifications*, *Engineering*, *Mines*, *Counter-Mines*, &c. And let me add, Capacious *Libraries*, containing *Books* which Teach all theſe and many other things; what *Variety*, what Improvement of *Knowledge* and *Learning* do you ſee here? And this in our Opinion, makes one Man differ from another, as much as *Man* from *Beaſt*! Whence we think you *Hottentotes* retain little of *Human Nature* but the *Shape*! And all theſe *Accompliſhments* we owe to *Government*. Without which we ſhould be in as Dark *Ignorance* as you.

(17.) *Hott*. Sir, I have Travelled through many of your *Governed Countries*, and made my Obſervations. And the more I conſider *Their* STATE and *Ours*, I find more and more Reaſons for Preferring *Our Own*. Firſt, Ours is the *Original State* of *Mankind*, for which, you, Sir, have ſo much Contended. And all of you allow theſe *Firſt* to be the *Pureſt* Ages, before they knew all that *Craft*, and *Diſſimulation*, that *Violence*, *Pride* and *Ambition*, which have ſince filled the World with unſpeakable *Miſeries!* And for that *Knowlege* you Boaſt of, it is of that Sort which you ſay *Deceived* our firſt *Parents:* It has ſhewed you indeed *Good* and *Evil*, but much more *Evil* than *Good*. As I have ſaid before of *Government*, it *Creates* more *Evils* than it *Cures*. It not only *Invites* and gives *Occaſion*, but it *Forces* us to *Kill* and *Deſtroy* one another, by *Art* and *Rule*; we are *Commanded* to do it, and it becomes our *Duty*, of *Obedience* to our *Governours!* And to Prevent one Man Killing another, in the *Natural* State, you *Deſtroy* by *Thouſands* and *Millions!* And becauſe *Neighbours* may fall out among us, you ſet *Nations* together by the Ears, who are *Strangers*, and have no *Quarrel* at each other; and you ſpread *War* over the Face of the Earth! And the whole Ground of this *War* is *Dominion!* It is *This* will not let the *World* have *Peace!*

And as to all thoſe *Fine* and *Curious Inventions*, for which you ſay you are ſo much obliged to *Government*; they move not my *Envy*, but my *Pity*, to ſee Men Create a Thouſand *Neceſſities* to themſelves, and then ſpend all their *Time* and their *Wit* to *Supply* them in the beſt Manner they can, and Boaſt of their *Invention!*

As if I ſhould Break your *Legs*, to ſhew you the Convenience of *Crutches!* Such I eſteem all your *Arts* and *Sciences*, and what you call *Learning*, to lead a Man's Thoughts out of the Way, to things that do not belong to him, which make him neither the *Better* nor the *Wiſer* Man, but a meer *Philoſopher*, who, according to your own *Proverb*, is a meer *Aſs*. And for the wonderful Improvement of your *Mechanicks*, in fine *Buildings*, Curious *Pictures* and *Statues*, Rich *Furniture* and *Equipages*, Variety of *Faſhions* in your *Cloaths* and *Dreſſings*, and *Rarities* in Abundance —— They only ſhew me how many things ther are which I have no need of. It makes me Laugh to ſee a *King* Sweating under a Heavy *Crown*, and a great *Load* of *Velvet* and *Embroidery*, which they call his *Robes!* But you ſay, theſe things are Neceſſary to *Government!* And are not they *Wiſe* Men who are Charmed with ſuch *Showes!* What is a great *Houſe*, and what you call a Noble *Seat*, but a *Baby-houſe* for an Old *Child*, who loves to look at *Pictures*, and will *Cry* if one of his *Play-things* is Broken! Then the Plague of *Attendants* and *Viſits*. To have a *hundred* Fellows Running after one, and Hunting him Day and Night that he has not an Hour to himſelf; and all *Spies* upon him, to Watch every *Word* and *Action!* And a

Prince muſt have *Guards* to ſave him from theſe, and he knows not Who, that may have a Mind to Try how that *Crown* and *Robes* wou'd fit himſelf! And he muſt Watch his *Guards*, for ſometimes they too *Murder* him. A *Hottentote* wou'd not know a *Prince* from a *Priſoner* by his Armed *Equipage!* The *Prince* is the perpetual *Priſoner* all the Days of his Life! But this you call *State!* And the leſſer *Quality* have their *Guards* of *Attendants* too; and He is the *Greateſt* Man who has *Moſt* to *Provide* for! And tho' a ſmall Matter wou'd Feed himſelf, he muſt Furniſh a Table every Day for Comers and Goers! And what a *Slavery* do you bring upon your ſelves by what you call *Good Breeding* and *Manners?* You muſt make and return *Viſits*, where you have neither *Buſineſs* nor *Kindneſs!* And you muſt Learn the *Chatt*, to *Complement*, that is, *Lie* to all that are Preſent, and *Cenſure* them as ſoon as they are Gone! This *Article* and *Dreſſing*, is the *Buſineſs* and *Accompliſhment* of *Ladies*, and Emploies moſt of their *Time!* But that is Innocent to what you call *Court-Language* in *Men*, to *Cut* a *Throat* with a *Feather*, to pay all the *Civility*, and make all the *Profeſſions* in the World, to the Man you Intend to *Supplant* and *Ruin* by it! And this is a Fine thing you call *Politicks*, without which a Man cannot make his way in a *Court!*

And what is all this *Impertinence*, all this *Wickedneſs* for? To get theſe *Play-things* you call *Riches* from one another! This has Weary'd ſome *Great* Men, even *Kings*, to that Degree, as to Throw away theſe *Baubles*, and *Retire* to the *Pleaſures* of a *Private* Life; where they might ſpend ſome of their *Time* to their own Benefit, and not have it All laid out in doing the Buſineſs of other Men!

Now we *Hottentotes* are free from all theſe *Cares* and *Troubles*, for we have none of theſe *Neceſſities* upon us. We eat *Roots* and *Fruit*, and ſometimes *Gutts* and *Garbiſh*, and Live *Long* and *Healthy*. While your *Dainties* Cut you off in the Middle of your Age, with *Gout*, *Gravel*, and Racking *Diſeaſes*; you Invent *Reliſhing Bits*, and *Appetizing Sauces*, to make you *Eat* more than *Nature* Requires; and you *Drink* not to Quench *Thirſt*, but to commit *Exceſſes*, and turn your ſelves into *Beaſts!* But who will *Debauch* in our Clear *Springs?* This is the *Drink* which *Nature* has Provided for us. This Clouds not our *Reaſon*, nor makes us *Mad*, nor Ruins our *Health*.

We go *Naked*, as your Ancient *Britains* did, and are all *Face*, we catch no *Cold*. We have no uſe for *Beds*, the *Heavens* Cover us, and the *Earth* is our *Pillow*. In *Storms* and *Rain* we get into *Caves*, the true Uſe of Houſes; but you make them ſo *Fine*, that you *Live* in them, and Debar your ſelves of the Clear *Air*. And half your Servants Work is *Waſhing* and *Scrubbing* your *Houſes*, *Duſting* and *Airing* your *Beds* and *Furniture*, that they *Stink* not under you; which yet when you have done your Beſt, are *Muſty* in Compariſon of the free *Air* that we *Breath*. You get out into it ſometimes, which you call, *Taking the Air*, but we have it Continually. And to Indulge your *Delicacy*, you make *Places* in your *Houſes* for all your *Filth*, even in your *Bed-Chambers*, leſt the *Air* ſhould Blow upon you! The *Naſtineſs* of a great *Houſe*, or a great *Town*, is more than you will find in all the Land of *Hottentote*. We have no Uſe for your *Scavengers* or *Gold-finders*, nor wou'd we Endure ſuch Company, as *Homely* as you think us. I wou'd not live near a *Peuterer*, a *Smith*, or *Brazier*, for the *Noiſe*; nor within *Smell* of a *Soap-Boyler*, a *Tallow-Chandler*, or a *Felt-Maker*, for the *Stink*; nor of a *Glaſs-houſe*, or *Brew-houſe*, for the *Smoke*: Yet theſe fill your great *Cities*; and *Brick-Kilns*, Choak up the *Air* about them. Much good may it do you with your *Manufactures*, without which you cannot *Live*, and we *Live* much Better without them.

And what are your *Curioſities?* Can a *Painter* draw a *Tulip* ſo Beautiful as the *Original?* How faintly do your *Colours* Repreſent a *Rain-Bow*, or the *Stars?* How ſilly is a *Picture* or *Statue* of the *Sun?* Believe me, Sir, we cannot help thinking theſe any other than meer *Trifles*, to pleaſe *Children!* And we think our ſelves more *Men* in *Deſpiſing* theſe, than you in *Admiring* and *Gapeing* at them! Even the *Ugliest* of them, as your *Chineſe* Figures of *Cocks* and *Bulls* which now Adorn your *Houſes!*

And for your *Ingenuity* in the *Art* of *War*, keep your *Inventions* to your ſelves, we Envy you not! We can Decide our Controverſies with a little *Fiſty-Cuffs*, and what Arms *Nature* has given us; to *Scratch* and *Bite* is much *Safer*, tho' not ſo *Graceful*, as your *Cannons*, *Bombs*, &c! And *Mankind* is little Obliged to the *Curious* in theſe *Arts!* We have no *Thieves* or *Robbers*, for we have nothing Worth their *Stealing*. We have no *Ambition*, becauſe we have no *Dominion*. We have no *Want*, and you *Want* every thing! *Nature* makes but few *Wants*, and Provides plentifully for them: But *Pride* and *Luxury* make many, even as many as a Roving and Wanton *Imagination* can Suggeſt! Ther is a *Bird* in the *Indies* has a curious long *Tail*, and I muſt ſend all the way thither to get one of the *Feathers* to ſtick in my *Cap*, and then how *Fine* I ſhall look! And ther is a pretty ſhining *Pebble* grows in ſome of theſe Mountains, wou'd make my Little Finger *Glitter!* Yet you *Laugh* at us for Adorning our ſelves with *Shells* and *Feathers!* Ther are *Hot-Suppings* among the *Turks* made of a *Black Berry* grows there, I muſt have ſome of them! And I muſt Smoke *Tobacco*, tho' it *Stinks*, and at firſt makes me *Sick* to Death, becauſe the Barbarous *Indians* do it whom I deſpiſe! And now it is ſo *Neceſſary* to me, that I ſhall be *Sick* without it, I had rather want my *Dinner* than a *Pipe* of *Tobacco!* And I muſt have *Earthen-Ware* from *China*, tho' I have as Good for Uſe, at Home! How *Neceſſary* is a *Salt-Spoon*, and *Sugar Tongues* for my *Tea!* In ſhort, theſe and the like *Articles* make up your *Trade*, without which you think you could not *Live*; and *Nations* are at *War* about it, and keep a watchful Eye upon each other for nothing ſo much as for *Trade!* Which yet brings you not one thing, your *Forefathers* did not very conveniently *Want*; and were they now Alive, it wou'd take ſome time to Inſtruct them in the *Uſe* of your NECESSARY *Superfluities!* And what good has *Navigation* done, except to Encreaſe theſe *Neceſſities*, and Tranſport *War* from one *Nation* to another? How happy wou'd your *Britain*

tain be, if ther was not a *Ship* in the World? You wou'd then be out of Fear of *Invaſions* from your Neighbours. And what if you knew not ther was any *World* beyond your ſelves? Do you want *Company?* You are not yet Acquainted with All in your own *Iſland.* And ther are *Parts* of the *World* you have not yet found out. Is ther no Happineſs but in *Roving?* You ſee fine *Houſes* abroad, and you cannot Reſt till you make the Like at Home! But what are your Lofty *Towers*, and High Embowed *Arches?* Can you ſhew me any like the *Cope* of *Heaven*, which I ſee Continually? I need not *Travel* for it. And when I look to *That*, your Stately *Buildings* appear leſs to me, than a *Houſe* a *Child* makes of *Clay*, or *Cards*, does to you. And I *Laugh* when I ſee a *Puff* of *Wind* throw them down! All your *Art* is but to Imitate *Nature*, and that much more faintly than a *Child* does *Ape* a *Man*. You ſay, *Cuſtom* is a ſecond *Nature*. How many *Natures* then have you made to your ſelves? And all *Theſe* muſt be Supply'd, as of *Neceſſity!* Hence come all your *Miſchiefs* and *Inconveniencies*; no body Robbs upon the *High-Way* for Want of *Bread*; but he was Born a *Gentleman*, and cannot *Work*; he muſt have his Bottle of *Wine*, and good *Cloths*, and *Money* in his Pocket, to keep good *Company*! All this comes from your *ſecond Nature*! This makes a *Child* Grudge the *Life* of his *Father*, that he may have his *Eſtate*. And wou'd you have us gather *Riches*, to put this Temptation in the way of our *Children*, and may be to Cut our *Throats* for them, as is ſeen among you? And theſe are of no *Uſe* to the *Nature* which *God* has given us. He made Man *Perfect*, but they have found many *Inventions* to make themſelves *Miſerable*! We teach our *Children* to *Hunt* for their Daily *Food*, as we do; and they *Love* and *Serve* us. No *Hottentote* was ever yet *Afraid* or *Jealous* of his *Son*, We have no *Graneries*, nor do we miſtruſt *Providence*, which Provides for the *Beaſts* and *Fowl* who have no *Store-houſes*; and we think our Selves Better than They, and that *God* will *Provide* for us too. We truſt Him with our *Lives*, and Ask no more than our *Food* from *Day* to *Day*. But you *Chriſtians* who Boaſt much of your *Faith* in Him, will not *Truſt* Him further than you can *See* Him, as the Saying is. How do you *Twiſt* and *Screw* your *Conſcience* when it goes Athwart your *Gain*? You ſerve *God* no further than He can Agree with *Mammon*, though you *Preach* that no Man can ſerve theſe Two *Maſters*! If this be True, how Happy are we *Hottentotes* who have no *Mammon*! That *Devil* cannot Come where Men live according to the State of *Nature*. But He is a Greater *Prince*, and Rivals *God* more amongſt you, than all the other *Devils* of *Hell*! For you make a *God* of your *Belly*, of your *Pride*, *Luſts*, and *Pleaſures*, and theſe cannot be Supported without *Mammon*. How many *Gods* has this *ſecond Nature*, the *Cuſtoms* and *Habits* you have Contracted, Created to you? Yet you Plead *Nature* as an *Excuſe*, it is *Nature* Prompts you! Whereas every one of theſe *Deſires* which Hurry you out of your *Reaſon* and *Religion*, are unknown to *Nature*, and are meerly your own *Inventions*, which by *Cuſtom* you have made a *ſecond Nature* to you, and now you Cry you cannot Help it!

(18.) *Hig.* *Hoad.* } You *Hottentotes* live like *Beaſts* in a *Common*. None has any *Property* but in the *Mouthful* of *Graſs* he *Eats*, which another has not *Snapt* up before him.

Hott. And is not that as well as you *Beaſts* in a *Park*, who are *Hedged* in, that you may be more eaſily *Catch'd*, and *Knok'd o' th' Head* at your *Governours* Pleaſure?

Hig. *Hoad.* } Have we not *Property* at leaſt in our *Wives* and *Children*?

Hott. *Nature* teaches even *Birds* and *Beaſts* to take Care of their *Young*. But that no longer than till they can take Care of Themſelves. And for *Wives*, *Nature* knows no ſuch thing, as for a *Man* to Engroſs a *Woman* to himſelf, It is an Injury to any other *Man* who has a Mind to her. It is like *Paleing* in a *Park* out of the *Common*, an Infraction upon the *Common* Good. And tho' a *Man* Hate his *Wife*, and ſhe him; yet they muſt Live together, like *Dogs* and *Cats*, and neither of them at Liberty to *Chooſe* where they *Like* better. I am ſure this is againſt all the *Laws* of *Nature*, which would never thus *Confine* it ſelf.

Hoad. But ſuppoſe a *Company* of *Men* ſhould Agree thus to *Confine* themſelves, and ſhould think it for their Good?

Hott. To *Confine* themſelves, do you ſay? You mean to *Exclude* others. For that is the End of all *Combinations* of *Men*, let it be for what Purpoſes ſoever. As to Erect themſelves into *Societies*, to give to any a *Property* in their *Goods*, or in their *Wives*; all this is *Excluſive* of others. And is a Plain *Encroachment* upon the *Law* of *Nature*, which has left all things in *Common* to all *Men*. And therefore they who would *Engroſs* to Themſelves, are Publick *Enemies*, and *Rebels* to the *Law* of *Nature*, and ought to be Treated as ſuch, by all who Love the Glorious *Liberty* and *Prerogative* of *Human Nature*, in which only we are *Free-Born*; for after *Laws* and *Society* come in, all under it are Born *Slaves*, that is, under the Abſolute *Dominion* of what you call the *Legiſlature* in every *Society:* And whether That be in the Hands of *One* or *More*, it is all the ſame as to the Deſtruction of *Liberty*; for what is it to me whether I am *Hanged* by the Command of *One Man*, or of *Five Hundred?* Nay, the *More* that have Power over my *Life*, it is the Worſe for me, and my *Liberty* more in Danger. It is *Senſeleſs* to call this *Liberty*; but ſtill more ſo, to ſay it is *Dictated* by the Law of *Nature*, for it is in downright *Oppoſition* to *Nature*, and a *Contradiction* to that *Liberty* which it Gives.

(19.) *Hig.* Indeed, Mr. *Hoadly*, I think you are Worſted as to your *State* of *Nature*. You can never make *Government* Ariſe out of it. You had better come to my *Scheme* of *Divine Inſtitution*. This is the only Foundation upon which *Government* can Stand. Ther muſt be an *Authority* Superiour to *Man*, to Erect *Government*; and from whence the *Obligation* to it, as to *Conſcience*, muſt flow.

Hoad. So, ſo, You take Part with the *Hottentote* againſt me! But I think your *Scheme* leſs Tenable than even His. For you give a *Divine Authority* to *Government*, yet make *Human* Authority *Superiour* to it; Nay, even *Chance*, the Loſs of a *Battle* or ſo; Nay the moſt Damnable *Wickedneſs* of *Treaſon*, *Treachery*, and *Robbery*, to *Extinguiſh* all the *Right* it has!

(20.) *Hott*. I ſee no Likelyhood that you Two will Agree. But before I take Leave, I deſire to be Heard one Word in behalf of the *Conſtitution* of my *Country*, which may give you ſome Light in this Diſpute.

Hoadly. Your *Conſtitution*! Why, you have none at all. Can ther be any *Conſtitution* where ther is no *Government?*

Hott. Sir, we have *Government*.

Hoad. How! Have you not been Arguing all this while as if you had no *Government?* Have you been *Bantering* us?

Hott. Gentlemen, I ask your Pardon— But it is even ſo. I was willing to hear all you cou'd ſay upon the *Natural State*, and finding you thought us *Hottentotes* to be in that *Condition*, I therefore *Acted* the *Part* as well as I cou'd. But I aſſure you we have *Government*, and that *Kingly* too. Ther are ſeveral *Kingdoms* among us, and a *King* over every one of them. So that, Mr. *Hoadly*, you muſt go ſomewhere elſe to find an *Example* of your *Independent State* of *Nature*.

Hoad. Then I am finely Cheated! I thought my ſelf Secure of you *Hottentotes* for my *Independent* State. But what are you? What Account do you give us of your *Country*?

Hott. We are known by the Name of *Cafri*, which in our Language ſignifies *Lawleſs*, not that we are without *Government* (as you Fancy) but without *Laws* as *Checks* upon our *Kings*, who Determine all our Controverſies as they think fit. Our *Country* is called *Cafraria*, and Divided into many *Colonies* or *Kingdoms*, which extend over a great Part of *Africa* about Six Hundred *Miles*. The moſt *Barbarous* ſort of us are thoſe about the *Cape* of *Good Hope*, who only are known to the *Engliſh*, who call in there in their *Voyages* to the *Eaſt Indies*. But we have no *Commerce* with you, ſo you know little of us. But you give us the Name of *Hottentotes*, from the Word *Hottentote*, which we Repeat often in our *Dances* every *New Moon*. And you do but *Gueſs* at our *Religion* or *Government*, which becauſe you know not, you *Fancy* we have None.

We have not ſuch Stately *Edifices* as you in *England*, but we have *Hutts* and *Houſes* which ſerve us for all the Conveniencies of Life that we want; but we Build them not ſo *Fine* as to be Afraid to make uſe of them, and live in the worſt Part to ſave the *Beſt*. Our *Food* is *Plain* and *Natural*, and Adapted to our *Stomachs*, not our *Stomachs* to our *Meat*. Whence we have no *Surfeits*, and thoſe *Diſeaſes* are unknown to us which fill your *Bills* of *Mortality*; and we live Healthy and Strong to an *hundred Years* Generally, many to *one hundred* and *twenty*, or *one hundred* and *forty*, and are *Active* and *Robuſt* in our *Bodies*.

Our *Kings* have frequent *Wars* with each other. And we generally *Sell*, ſome *Eat* their *Captives*. So that we are not in that Happy *State* of *Nature* I have Deſcribed, and which is not to be found upon the Face of the Earth. I painted it more according to my own *Fancy* than true *Nature*, which is a more *Furious* and *Ungovernable* thing than to be kept within any Bounds, unleſs *Reſtrained* by the *Yoke* of *Government*. And they who would throw off this *Yoke* are called in your *Scriptures* Sons of *Belial*, which *Word* ſignifies Literally, without *Yoke* or *Reſtrant*. And a *Nation* of theſe would ſoon make themſelves an *Aceldama*, while ther were but *Two* Men left. For it is *Natural* to every Man to Affect a *Superiority* over another, and as *Natural* to *Reſiſt* it. We ſee this in Common *Converſation*, how uneaſie it is to bear *Contradiction*, though about a *Notion* only, of no Manner of *Conſequence!* It is like *Quarrelling* about the *Game*, though you *Play* for *Nothing!* Ther is a Natural *Pride*, which Hates to be *Overcome!* How then ſhould Men *Agree* about *Meum* and *Tuum*, and Real *Intereſt!* This will Separate *Friends*, and turn them into *Enemies*. And we have theſe Grounds of *Quarrel* among us, for we have our different *Intereſts*, and *Property* in our *Goods*, our *Wives* and *Children*, for we too have *Marriage* among us. If I kill a *Deer*, I will not ſuffer another to take it from me; far leſs to take my *Wife* or *Child*. For ther is nothing wherein ther is a more Natural *Rivalſhip* than about a *Woman*. Hardly *Two* Men could Agree in this, if ther were but *Two Men* and *Two Women* in the World. And if ther were not ſome *Authority* to make every Man's *Wife* his *Property* and his *Right*, what could Reſtrain the *Violence* of *Mankind* in this *Rivalſhip?* One Fine *Woman* might ſet a *Nation* by the *Ears*. I am ſure *Nature* could never *Decide* it, for every one would Plead his own *Nature*. And it is the like in all other Diſputes concerning *Right* and *Property*. My little *Hutt* is as much my *Caſtle*, that is, my *Right* and *Protection*, as your Great *Houſe*; and I have as much *Right* to *Defend* it. A *Bird* will Defend its *Neſt*, and a *Fox* his *Hole*. Even they could not Live without *Property*. Nor could their *Property* be any *Property* to Them, or give them any *Right*; if they were as Cunning to *Diſtinguiſh* as *Men*, and Plead the equal *Right* of *Nature* to All; which could not be taken away or *Forfeited* by a *Chance*, by one Man's Lighting firſt upon any thing: And *Government* would be as *Neceſſary* to Them as to us, if they had the ſame *Ambition* and *Deſigns* upon one another as *Men* have. Therefore what I urged before of the *Benefit* of *Mens* living as *Harmleſs* with one another in the *State* of *Nature*, as *Beaſts* do, was all a *Sophiſm*, and took not in the whole *Caſe*; for ther are other *Ingredients* in *Man*, I have now mentioned, which make the *Caſe* of *Men* and *Beaſts* differ vaſtly.

(21.) Beſides, *Nature* has not made *Beaſts* Capable of *Government*. Yet ther is an *Inſtinct* in them which leads them to an *Image* of it. Ther is a *Dux Gregis* among *Cattle*, who has the *Aſcendent* over the Reſt, and they follow Him. Ther is a *Maſter-Bee* in every *Hive*, Bigger then the others, and whoſe *Apartment* is four times as Large as any of their Cells. Who never goes out to Work, but is *Served* by all the Reſt. Who is their *Principle* of *Unity*, and when *Dead*, they all forſake the *Hive* and *Diſperſe*, their *Government* is Diſſolved; they leave their *Combs* and their *Honey* behind, as if Gather'd only for the Uſe of their *Sovereign*. Upon a *Swarm*, one who had a Mind to try the Experiment, caught the *Maſter-Bee*, and Carry'd it away; upon which, the whole *Swarm* immediatly Diſperſed, all Flying up and down, as if in Queſt of their *Leader*: Then the Gentleman took the *Maſter-Bee*, and having firſt pull'd off its *Wings*, laid it on the Corner of a *Graſs-Plat*, at a Diſtance from them, but within their Hearing; as ſoon as they heard its *Voice*, they all ſtraight Flew to it, and Lighting on the Ground, crept Round and Round it, *Encircling* it, till it was in the *Centre* of them all, and none offer'd to *Fly* away from it. The Gentleman then took it from them again, and Placed it in another *Corner* of the *Graſs-Plat*, and they did the ſame again. And having Repeated this ſeveral times, he at laſt *Killed* it among them: Upon which, they kept their *Stations* round the Dead *Body*; and the Gentleman could not Force them from the Place, till he had taken their Dead *Governour* quite away, that they knew not where to find the

Body. So much more Perfect is this *Image* of *Government* which *Nature* has Planted in theſe *Anmals*, than what *Belial* has left amongſt *Vs*. For theſe know no *Diſtinction* or *Reſerves* in their *Obedience*.

(22.) *Hoad*. That is, becauſe they are *Beaſts*—— And ſuch are all who *Obey* without *Reſerve*, and *Tamely* give up their natural *Rights* and *Freedom*.

Hott. If they do not *Tamely*, they muſt do it by *Force*. For let them *Struggle* on, till one *Half* of them is *Deſtroyed* by the other, they will ſtill find themſelves juſt in the ſame *State* as when they Began, that is, under the *Abſolute Dominion* of *Some* or *Other*; and whether their *Deliverers* will prove better *Governours* than thoſe they *Diſpoſſeſs*, is a *Hazard*, and ſeldom ſeen in the World. So that, as I ſaid before, the whole *Conteſt* is only about the *Names* of their *Governour* or *Governours*; for Change *Mankind* round, you will find them much alike, all Deſirous of *Power*, and that *Abſolute* in *Themſelves*, though they will not Allow it in any *Others*. And this is the *Humour*, or *Nature* (if you pleaſe to call it ſo) of *States* and *Parliaments*, as well as of *Kings* and *Princes*. It is *Mankind* ſtill, and they cannot *Alter* their *Nature*. So that the whole Matter in Debate comes to this, whether it is

Better for the *Community* to ſit down Quiet and Contented with what *Government* they have, Rather than ſeek to mend it by Changing the *Perſons?* Eſpecially taking in this Conſideration, That every New *Experiment* of this Sort, will coſt more *Lives*, and Deſtruction of *Liberty* and *Property*, than the worſt *Governours* ever were in the World could find in their Hearts to *Inflict*, or indeed is in their *Power*; for if a *Prince* ſhould Command one *Half* of the *People* to *Maſſacre* the other, he cou'd not Expect to be *Obey'd*, but rather *Depoſed* by both Sides: For *Nature* will *Rebel* againſt *Principles*. And this is an *Awe* upon the moſt Abſolute *Monarchs*, inſomuch that whatever we may ſuppoſe their *Will* to be (which cannot be to *Deſtroy* their *People*, unleſs they are ſo ſtark *Mad* as to wiſh their own *Deſtruction)* yet no *Example* of it has yet appear'd ſince the Beginning of the World. But *Many* and *Many*, of *People* who have *Ruined* and *Deſtroyed* their *Country*, in their Conteſts for *Liberty*, till they left the *Smalleſt* Part remaining to Enjoy it: And theſe ſtill under the ſame *Neceſſity* of *Changing* again, and for Ever, while the *Government* is in the Hands of *Men*.

(23.) *Hig*. I muſt here Join with the *Hottentote* againſt you, Mr. *Hoadly*. For he is come in Exactly to my *Scheme*, that is, to *Submit* to every *Government* in *Poſſeſſion*. For this only can ſave us from theſe Unavoidable *Convulſions* which Accompany every *Change* of *Government*.

Hott. You ſay well, Mr. *Higden*, if this would Cure it. But conſider, That every *Government* pretends to ſome *Right* or other, I mean a *Right* beſides the bare *Poſſeſſion*. This is an Univerſal *Notion*, Implanted in all *Mankind*; and to go againſt it, is to Alter the *Nature* of *Man*. You cannot find a *Government* ever was in the World which did not ſet up ſome *Right* beſides *Poſſeſſion*. But in *Hereditary* Governments, it is Apparent. Therefore we muſt find a way to make this *Permanent*, and to Prevent *Vſurpations* upon it. And the greateſt *Security* in theſe ſort of *Governments* (as indeed in all *Others)* is to make them *Indefeaſable*, which is, That no Unjuſt *Diſpoſſeſſion* of them ſhall *Extinguiſh* their *Right*; this Arms *Mankind* againſt the *Vſurper* for Ever whilſt the *Right* remains. And this is a greater *Terrour* to *Vſurpation*, than the *Hazard* of getting into *Poſſeſſion*; which is often done *at once*, or by a *Trick*, always by *Fraud* and *Injuſtice*. And if this ſhould give *Right*, it would be an *Encouragment* to perpetual *Vſurpations*, a *Reward* inſtead of a *Puniſhment*. Who wou'd not venture to *Leap* into to a *Throne*, that *Secured* him for Ever? Beſides the natural Abhorrence of the *Notion*, That *Wickedneſs* by Arriving at its *Height*, becomes *Juſt* and *Right!* Your *Apoſtle* ſays, that *Sin* when it is *Perfected* bringeth forth *Death*; but you ſay, it bringeth forth *Righteouſneſs*, and Acquires a *Divine* Commiſſion! The Act of *Uſurpation*, you own, is a *Sin*, and ought to be *Repented* of: Can then my *Sin* take away the *Right* of Another? And does not *Repentance* Oblige to *Reſtitution?* And can it be *Conſcience* to Fight againſt that *Reſtitution?* Is it a *Chriſtian* Principle that *Succeſs* gives *Right?* Is it *Providence?* Then *Chriſt* muſt give Place to *Mahomet*, and Both to us *Pagans*. And is ther not the ſame *Providence* in all *Robbery?* But is *Robbery* a *Sin?* And yet is it *Juſt* and *Good* to Detain what I have *Robbed* from the right Owners? Or is their *Right* Extinguiſhed by my getting into *Poſſeſſion?* If ſo, *Right* is but a *Chance*, and the ſame thing may be *Right* and *Wrong Twenty* Times a Day! And what need then your *Courts* of *Juſtice? Croſs* and *Pile* is the moſt Equal *Deciſion!* Or let the *Strongeſt* take All! Let every one *Get* what he *Can*, and *Keep* what he has *Got!* This you call the *Law* of *Nature*, and think us Miſerable becauſe we have no other *Law*. And yet is it not the very ſame with your *Principle*

ciple of *Poſſeſſion?* But our *Nature* teaches us better things. And much *Learning* has made you *Mad!* Ask any Man of *Nature* in the World, if he Saw one Man *Robbing* another, whether he ought not to Aſſiſt the *Injured?* Yes, ſay you, before the *Robbery* is *Perfected*; but have a Care—— If the *Robber* has got the *Poſſeſſion*, he has Gained the *Right* too; and you are Obliged then in *Conſcience* to ſtand by Him as the Rightful *Owner*; and to Fight againſt the former *Poſſeſſour*, if he ſhould ſeek to Recover what he (for want of your *Learning)* thinks ſtill to be his *Right*; and if he ſhould Raiſe the *Hue* and *Cry* againſt the *Robber*, you ought to ſtop the *Purſuit*, and Cry out *Poſſeſſion! Poſſeſſion!* Gentlemen you know not the *Prerogative* of *Poſſeſſion!* It is true he is a *Robber*, but *Succeſs* has given him the *Right!* And this is Neceſſary for the *Peace* of the *World*, that ther ſhould be an End of Diſputes! Would this be an *Encouragement*, or a *Terrour* to *Robbery?* And ſo of *Vſurping* a *Crown*. Your *Remedy* is Worſe than the *Diſeaſe*. You take away the *Puniſhment* that ought to follow *Vſurpation*, to *Deterr* Men the more from it! And this, you think, will make fewer *Vſurpations!* That is, the more *Eaſie* a thing is, it is the *Harder* to come at it! This is your *Logick!* But I like better to keep my own *Na-*

tural Notions, that *Right* is *Right*, and ought to be *Supported*; and *Wrong* is always *Wrong*, and ought to be *Purſued* as the Publick *Enemy*; and the *Longer* it *Continues*, it is the *Worſe*, and ſtill more and more *Wrong*; and no *Preſcription* can take away *Right*, or Alter the *Nature* of *Right* and *Wrong*. And this *Rule*, Sir, I humbly Conceive, would keep *Peace* and *Quietneſs*, and *Juſtice* too, more in the World, than your making *Succeſs* the *Standart* of *Good* and *Evil*, which is indeed making them *Both* the *Same* thing!

(24.) *Hoad*. You are in the Right, Mr. *Hottentote*, and an Honeſt *Whigg* in this, for we Deteſt Mr. *Higden's* Principle of *Poſſeſſion* as much as you do. We hate any *Uſurpation*, how *Proſperous* ſoever, upon the *Rights* and *Liberties* of *Mankind*. And the more *Proſperous*, it is the greater *Enſlaving* of the World. And to tell us that we ought not to turn *Wickedneſs* and *Injuſtice* out of *Poſſeſſion*, is to Subſcribe to all the *Conqueſts* of *Satan*, and his *Emiſſarys* upon Earth: Nay, to Adopt them into the *Miniſters* of *God*, and His *Vice-Gerents*; and that for *Uſurping* upon thoſe whom Mr. *Higden* owns to be the true *Vice-Gerents* of *God*, and Guards with *Irreſiſtibility*, as the *Ordinance* of *God*, upon Pain of *Damnation*! Yet Rewards the *Re-*

ſiſtance of them (if it *Succeeds*) with the ſame *Divine Right*, now Transferred to *them*, who were the Hour before the *Miniſters* of the *Devil*, in *Reſiſting* their Lawful *Soveraign*, and Deſerved the *Gallows*, if they had Miſſed the *Throne!* And who, he thinks, will ſtill be *Damned* for this, without *Repentance*, but yet that they are not Bound to make *Reſtitution!* for that their *Damnable Sin* has quite *Extinquiſhed* the former *Divine Right* of their Injur'd *Prince* (whom they have *Unjuſtly* and *Wickedly* DISPOSSESSED, againſt all the the *Laws* of *God* and *Man*) which now Accrues to *Them*, by their *Rebellion* having taken its full *Effect*! And which he owns had not been ſo Great a *Sin*, if it had not *Succeeded* ſo far as to Gain *Poſſeſſion*. Yet this *Poſſeſſion*, and this only, now Conveys the *Divine Right*! That is, the *Greater* the *Sin*, the *Nearer* it brings us to *Divine Right*! This comes upon you, Mr. *Higden*, for your vain Attempt, to *Reconcile Divine Right* and *Uſurpation* together. But we who place the *Power* in the *People*, think it no *Uſurpation* to *Diſpoſſeſs* any *Prince* we do not Like, and to put whom we Pleaſe in his Room. But if we thought any *Government* to be *Uſurpation*, we would not *Obey* it, but think our ſelves Obliged to Overthrow it whenever we Could. Thus we make our ſelves Eaſie, and can never go Wrong, while we Eſteem the *Voice* of the *People* to be the *Voice* of *God*.

(25.) *Hig*. Do you think it ſo now, or ſince Dr. *Sachaverell*'s Tryal?

Hoad. No. We except your *High-Church* MOBBS, they are the *Devil*! But by the the *People* we meen only *Our Selves*, the *True Peaceable* and *Moderate* Men! And when we Raiſe *Mobbs*, it is always for a Good *End*, to Promote *Peace* and *Quietneſs*, *Religion* and Good *Government*!

Hig Yours is a *Senſleſs*, *Noiſy*, *Party-Driving*, *Miſchief-Making*, *Good for Nothing* MOBB!—— Ours is a *Mobb* of *Senſe* and *Principles*, a *Self Denying* MOBB! They *Riſe up* againſt their *Flatterers*, you Sneaking *Whiggs*, who wou'd ſet *Them* above *Kings* and *Parliaments*, and make them Believe that they are the *Original* and *laſt Reſort* of *Government*! But we have Taught them better, That no ſuch thing Belongs to *Them*, that they were *Born* to be *Subject*, and Requir'd by *God* to pay *Obedience* to their Lawful *Rulers*, as His own *Ordinance*, upon Pain of *Damnation*; therefore that you wou'd Cheat them out of their *Souls*, as well as their *Lives* and all *Peace* and *Settlement* in the World, by Prompting them to *Rebel* and *Murder* one another to the End of the *Chapter*, for their *Liberty*, to do the ſame again, and again, as often as any Deſigning *Knave* has a Mind to ſet them on Work for his own *Advancement*, and Wade to the *Crown* through an *Ocean* of their *Blood!* And this is the only End for which you *Coax* and *Sooth* them and tell them of their *Power*! Therefore they *Deſpiſe* You, and Join with Us, who Deal *Honeſtly* by them, and tell them the *Truth*, which they Always find to be ſo, and for their own *Advantage*, both in *Soul* and *Body*, both *Here* and *Hereafter*. We have Diſſolv'd the *Charm*, and the *People* have Recover'd their *Senſes*, to Prefer *Government* to *Anarchy*, *Peace* to *War*, and a Conſcientious *Submiſſion* to a Lawleſs *Liberty*.

Hoad. Ours is a good *Proteſtant* Mobb. Yours are filled with *Papiſts* and *Jacobites*.

Hig. But when you had taken them, they prov'd true blue *Presbyterians*, and then you let them go again. Your *Mobbs* are all *Papiſts*, for they are all for the *Depoſing* Doctrine, which is perfect *Popery*. See *Two Sticks Made One*, or *The Devil upon Dun*; there you will find the good *Agreement* of the *Papiſts* and *Presbyterians* in this Point ſet before you in one Sheet, to be Hung up as a *Picture* of them Both. No doubt you have in your Study the Noble Book, *De Juſta Abdicatione Henrici Tertii*

Printed, *Lugduni*, 1591. *Ex Præcepto Superiorum*. And there we find every one of the *Arguments* you have given us, for the *Power* of the *People*, and for *Reſiſtance*, that you ſeem juſt to have *Tranſcrib'd* it. Or elſe *Good Wits Jump'd*. It is all one whether we Oppoſe *Papiſt* or *Presbyterian* upon this Head, for they are *Both* the *Same*, one the *Maſter*, the other an Apt *Schollar*.

Hott. I know no Reaſon why we may not take Good things from *Papiſts*. But all their *Jeſuitry* is outdone in your High-flying Contradictory *Addreſſes*. Your *Diſſimulation* is Notorious!

Hig. That is in your *Opinion*. But how do you *Prove* it? You muſt enter into our *Hearts* to know whether we *Diſſemble* or not: Or elſe ſhew it by our *Actions* as we have Diſcovered all your Horrid *Diſſimulations* to K. *Char*. I. for his Preſervation, and of the *Church*, which Ended in the *Deſtruction* of Both.

But I know where the Shoe pinches, you are afraid that we have got your *Arms* of *Diſſimulation* and *Treachery* from you, and Intend to *Fight* you with your *Weapons*! And if this were the Caſe, it ill becomes the *Whiggs* to Object it. It only brings their own *Sins* to Remembrance. *Clodius Accuſat Mæchos*. And if you ſhould Fall by others Practiſing your own *Arts*, it would be Juſt upon you.

——*Nec Lex eſt Juſtior ulla,*
Quam Necis Artifices arte perire Sua.

Hoad. You have Dreſſed a *Whigg* up fairly—— And now Mr. *Higden*, you muſt come in for a Snack, for I will Prove you to be as Errant a *Whigg* as my ſelf. In your *Defence of the View of the Engliſh Conſtitution.* &c.

Hig. Hold Sir, I am not Anſwerable for that. That was Wrote by Dr. *Higden* And though I be the ſame Man, yet we are not of the ſame Mind.

Hoad. Then let Dr. *Higden* appear, and ſee how you two agree.

Enter Dr. *Higden.*

(26.) Dr. *Hig.* I hope it may be Lawful in me to Correct my own Miſtakes.

Hoad. Yes. When you own them to be ſuch. Otherwiſe it is but *Dodging* and *Contradicting* your ſelf. The *Natural Born Subject* in his *Letter* to you, ſays——

Dr. *Hig.* Name not that Book, Sir, for I have Anſwered it already.

Hoad. Yes! As *Rats* anſwer *Books*, by *Nibbling* at ſome *Corner* of the *Leaves.* You Snap at ſome *Circumſtantials* of no Conſequence to the Queſtion in hand, and there you Triumph; but you wiſely Avoid all his *Arguments*, and leave them ſtill a full Anſwer to your *Defence*. You know I am no Friend to that *Author*, and I can Anſwer him in my own way. But I muſt ſay it, That he is Unanſwerable by you, upon the *Principles* you have laid down.

Dr. *Hig*. What are thoſe *Principles*? Come, ſince I muſt, I will Argue them with you.

Hoad. In his *Sect*, III. N. 12. p. 73, 74. He charges you with placing the whole *Legiſlative* Authority in the *King*, and in Him *Alone*. And Quotes your *View* full and Expreſs upon the Point.

Dr. *Hig*. I have ſaid Nothing to that in my *Defence*, I ſaw that Mr, *Higden* had Run himſelf a Ground there. And I have Endeavoured to bring him off as well as I could, for I ſaw what would come upon him for that High Tory *Principle*. Therefore I obviated it in the very firſt *Sentence* of the *Preface* to my *Defence*, where I make the *Conſent of the States* Neceſſary to the Juſt *Poſſeſſion* of the *Throne*. And I carry the ſame on through my Book, as p. 67. 103. *&c.* where I put the *Legiſlative* in the *King* and *two Houſes of Parliament*.

Mr. *Hig*. When I wrote the *View* I was but juſt come out of the *High-flying* way, and could not Depart from it all at once. I thought to have Reconciled it with my New *Principles*, that my *Change* might ſeem the leſs; but now I find it will not do, Therefore I have gone from it, and wiſely Altered the *State* of the *Queſtion*, and ſo given the *Slip* to all my *Opponents!* I thank the *Doctor* for this. It is never too late to Mend.

(27.) Dr. *Hig*. This was Neceſſary for me, to get over the Odious Inſtance of *Oliver Cromwell*, with which I was Plagued. For I have found out at laſt, as I ſay, p. 107. " That *Oliver* had not the " Conſent of the three Eſtates of the " Realm, for his Protectorſhip; Two of " the three Eſtates, the Lords Spiritual " and Temporal, having been long before " laid aſide, and it was no better than a " Mock-repreſentation of the third Eſtate, " the Baſe and Ignominious Tools of " his Ambition, with the help of his Fa" natick Army, that made him Protector.

Hoad, But had he not the Supreme Power, by whatever Means he came by it? And you ſay p. 60. of this ſame *Defence*, " That the *Legiſlative* Authority is Eſſen" tial to the *Supreme* Authority and In" ſeperable from it, ſince no Power that " is leſs than the *Soveraign* Power can give " Laws to a Community." So that here you make *Supreme*, *Soveraign*, and *Legiſlative*

ſlative the ſame thing. And that *Oliver* did give *Laws* to the *Community* you cannot deny. Therefore by your own *Principles* he was *Sovereign*, *Supreme*, and had the *Legiſlative* Authority. If you ſay, he had it not *de Jure*, tho' in *Fact* he did Exerciſe it, there is an End of your whole *Hypotheſis*. And ſo it will be, if you give Men leave to look back upon all the Steps by which any *Uſurper* mounts the *Throne*, and if they find any of them to be *Illegal*, not to Allow ſuch a *de Facto* Government. For it is Impoſſible any ſhould *Uſurp* the *Government* without Breaking through the *Laws*. And this will make an End of all your *de Facto* Kings at a Blow. For you will find no *King* to be *de Facto*, by this Rule, but the *de Jure* King, who only comes to the *Crown* according to *Law*. So here you have Cut the Graſs under your own Feet, and Overthrown your whole Book all at once.

We *Whiggs* ſay, I have often *Preached* and *Printed* it, That *Parliaments* as well as *Kings* are Accountable to the *People*, as Deriving their *Authority* from the *People*. And therefore that as *Parliaments*, being the *Repreſentatives* of the *People*, may Depoſe *Kings*, ſo the *People* may Depoſe both *Kings* and *Parliaments*. And though *King* and the *two Houſes* of *Parliament* are the *Conſtitution* the *People* have thought fit to ſet up, yet that the *People* are not ſo Tyed up to this, but that in Caſes of Extremity they may take other Methods. Thus at the *Revolution* the *People* made a *Convention*, and that *Convention* after turned it ſelf into a *Parliament*, to Reſtore the Primitive *Conſtitution*. And you would Overthrow all this, and make all their *Acts* Nullities, becauſe all the *Forms* of *Law* were not, could not be Obſerved, if we would have a *Revolution*.

Dr. *Hig*. Do not put that upon me, Sir, I am heartily for the *Revolution*, I have *Complied* with it, *Sworn* to it, and Wrote in Defence of it better than any Man of the Age, and my *Work* is Admired and Hugged by every Body.

Hoad. Let them Admire it who will. But I Charge it upon you, that it is Levelled directly at the *Revolution*. He is Blind that does not See it.

Dr. *Hig*. I was in Diſtreſs indeed to get Rid of *Oliver* and his *Laws*. And I could find no other way, but that *Maxim* which I ſet down, p. 106. *That a Law cannot be made without a King, or Queen*.

Hoad. And what *King* or *Queen* did call our *Convention?* And did they make no *Laws?* Did they not Diſpoſe of the *Crown?* And we ſay Rightfully, by Power derived from the *People*.

Dr. *Hig*. But *Oliver* had not the Three Eſtates with him. The two Firſt were laid aſide long before. p. 107.

Hoad. Then it was not He who laid them aſide. But the *Firſt* of the *Three* was laid aſide in *Scotland*, before their *Convention* or *Meeting of Eſtates* was turned into a *Parliament*. Are all their *Laws* then *Nullities* that have been made ſince?

Dr. *Hig*. But ſeveral *Attainted* Perſons ſat in *Oliver*'s *Parliament*. And I have ſhewed, p. 72. That none ſuch ought to ſit till their *Attainders* were Reverſed by *Act of Parliament*.

Hoad. The ſame Objection was made at the *Revolution*. So that your *Tail* is ſtill in the *Well*. But we get over all this Eaſily. For theſe are but *Niceties*, and the *Original Power* of the *People* Solves all. But you *High-Flyers* who talk of *Divine Right* in the *King*, and make the *Parliamrnt* but a *Creature* of His, and to Derive all their *Authority* from the *Crown*, you, I ſay, can never get over it.

It was this Notion made *Char*. II. take the Title of *King* before he was in Poſſeſſion.

Dr. *Hig*. I have Anſwered that p. 118. where I ſay, "As for the Caſe of King "*Charles* II. tho' he was not in Poſſeſ-"ſion, yet there was no King in Poſſeſſi-"on againſt him; and therefore he did,

" what *Edward* IV. Durſt not, aſſume
" the Regal Title before he was in Poſ-
" ſeſſion.

Hoad. Therefore if *Oliver* had taken the Title of *King*, as he was once about it, then *Char.* II. Durſt not have Aſſumed it! Indeed, *Doctor*, you are very Diverting.

Dr. *Hig.* But my ſtrongeſt Argument is ſtill behind, which you will find p. 104.
" That *Oliver*'s Acts Sunk of themſelves
" without a Repeal.

Hoad. So did the Acts of *Hen.* VI. after he had Diſpoſſeſſed *Edw.* IV. and are not put in our *Statute Book.* Ther are none there after his 39th Year.

Dr. *Hig.* But why did any of the Acts of Kings *de Facto* Stand? For this is my whole Foundation why theſe Kings *de Facto* were likewiſe *de Jure*, becauſe their *Acts* were Suffered to ſtand in the Reigns of Kings *de Jure*.

(28.) *Hoad.* But did the Acts of Parliament in the Reigns of Kings *de Jure* own theſe Kings *de Facto* to be likewiſe *de Jure?*

Dr. *Hig.* No. As I have fully ſhewed, p. 75. They were always called Kings *in Deed* and *not of Right.* But I have Proved by the Conſequence of their Acts being Suffered to ſtand, that they were *of Right*, and ſo owned by the Kings *de Jure*.

Hoad. What? Againſt their own Expreſs Words, that they were *not of Right!*

Dr. *Hig*. Yes, By the *Conſequence* of letting their *Laws* ſtand.

Hoad. I love a Man that would Diſprove *Fact* by *Conſequences!* But did Kings *de Jure* Confirm any of the *Acts* of Kings *de Facto*, as not having Sufficient *Authority?*

Dr. *Hig*. Yes, The Title of the *Act* 1 *Edw*. IV. is, *Which Acts done by the three* Henrys *ſhould continue good, and which not*. And the *Act* calls them *Pretended Kings, and not of Right*. And *Confirms* ſuch Acts as was thought fitting, to be of *like Force and Effect as if made by any King Lawfully Reigning, and Obtaining the Crown by Juſt Title*. Thus the *Natural Born Subject* Quotes this *Act* againſt me, p. 40. But I have got a *Diſtinction* for him, and ſay, p. 70. That theſe Acts Confirmed were not *Publick* Acts, only a *few Private Acts which were Confirmed for private Reaſons*.

Hoad. So *Private*, Doctor, that I believe you do not know them. And it is hard to Gueſs any other Reaſon, but that they wanted Sufficient Authority before. But can you give an Inſtance of any *Act of Parliament* under a *de Jure* King that was

Confirmed for want of Sufficient Authority? For here the Cauſe ſeems to Pinch.

(29.) Dr. *Hig.* The *N. B.* Pinches me with this. And I have got an *Inſtance* for him, p. 70. *viz.* "The Acts made 12 " *Car.* II. becauſe that Parliament was not " called by the King's Writs, were all " Enumerated and Confirmed in an Act " paſſed 13 *Car.* II. chap. 7.

Hoad. This was to Remedy an Eſſential Defect in that *Parliament*. Not for any Doubt in the *Right* of the *King*, which was the Point betwixt you and *N. B.* And the Reaſon given for *Confirming* the *Acts* of *Uſurpers*. Your Diſpute was about the *Right* of the *Prince*, not the *Conſtitution* of a *Parliament*. You were Merry, Doctor, when you Wrote this. It was too ſevere a Satyr upon an Old Bird, to think to Catch him with ſuch Chaff. And you needed not have ſo Inſulted him upon it as to ſay, " The *Natural Born Subject*, " with great Aſſurance, asks me, *Can you* " *give one ſingle Inſtance out of all our Re-* " *cords of any Act of Parliament made by a* " *Rightful King that ever was Confirmed* " *for Wrnt of ſufficient Authority?* Here's " one Inſtance for him, and a Famous " one; and he may find another 13 *Car.* ii. " chap. 13." Thus you, Sir. But you ſhould have Quoted the Place, it is. p. 49.

of *N. B.* where it is Plain that by, *Want of ſufficient Authority*, he meant, of *ſufficient Authority* in the *Prince*, and he Explains what he means by that, *viz.* That he be a King *de Jure*, and not only *de Facto*. For the very next Words to what you Quote are theſe, " This ſhews you " the *Difference*. And the whole Diſpute " ſhews that ther was a *Difference* made " betwixt *de Jure* and *de Facto*. Were any " *Judicial* Proceedings in the Reigns of " Kings *de Jure* ever *Confirmed*, or Titles " of *Honour* granted by them, or any o- " ther *Regal* Act? Here the Cauſe Pinches. " And till you can ſhew this, you can- " not ſay, as you do p. 8. and p. 23. " That Kings *de Jure* own the Authority " of Kings *de Facto* in as Ample a Man- " ner as of Kings *de Jure*, and *of Equal* " *Authority with Themſelves, or any of their* " *Progenitors of undoubted Right*. How can " this be ſaid? When we ſee that Kings " *de Jure* have *Annulled* ſome, and *Con-* " *firmed* other Acts of Kings *de Facto*, but " never either of theſe was done to any " Act of a King *de Jure*." Theſe are his Words. And if you had Quoted them, or Named the *Page* where the Reader might have Eaſily found it, I believe ther is not another Man of Senſe in *Britain*, beſides your ſelf, could have Miſtaken his Meaning! So that *N. B.* ſtill calls for an

Inſtance of any *Act* of a King *de Jure*, that was *Confirmed* afterwards for want of *Sufficient Authority* in the *Prince*, or for his not being a King *de Jure*. And your *Famous Inſtance* of King *Char.* II. is *Inſtantia Famoſa* indeed in the preſent Caſe, that is, Nothing at all to the Purpoſe. And for the other *Inſtance* you Name, but do not tell, of 13 *Car.* II. chap. 13. look it who will (for I have not the *Statute Book* by me) *N. B.* Ventures, with the *great Aſſurance* you Repreſent him, to put the Iſſue upon it, That ther is no *Confirmation* there of any *Act* of that *King*, for want of a *Right Title* in the *King*. If it be for any other *Defect*, it concerns not our preſent Diſpute. And if it had been to your Purpoſe, I believe you would not have Grudged to tell us what it was.

Dr. *Hig.* I was but Playing with him, to ſee if he would take Notice of ſuch a Slip —— But I ſtill Inſiſt, that Kings *de Jure* Suffering the *Laws* of Kings *de Facto* to ſtand, does Imply that they owned the *Legiſlative* Authority of ſuch Kings *de Facto*, and Conſequently that they were *de Jure*.

(30.) *Hoad.* To prevent which *Conſequence* or *Implication*, they tell expreſly that they were not *de Jure*, and that they did not own them as ſuch. But you will not believe them, nor their *Acts of Parliament* ſo Declaring! And they might have had Reaſons for letting the *Laws* of *de Facto* Kings ſtand, which we do not know. But Two are Obvious, either where a *Compromiſe* was made with Him in Poſſeſſion, or where it might redound to the Diſhonour of the King *de Jure* or his *Family*. Now let us ſee what Occaſions there have been ſince the *Conqueſt* for Kings *de Jure* to *Vacate* or *Confirm* the Acts of *Uſurpers*. I can find but Two, that of King *Stephen* and *Hen.* II. and that of *York* and *Lancaſter*. And in both theſe there was a *Compromiſe* made, which is at leaſt an Implicite *Confirmation* of the *Laws* made during the *Uſurpation*. Though we find that ſome particular *Laws* were expreſly *Confirmed*. But the Right of theſe Kings *de Facto* is as expreſly Denyed in the Acts of the Kings *de Jure*. There has been but One Occaſion more of this Nature, from that Time to this, which was the *Reſtoration* of King *Char.* II. as to the *Laws* made during the *Uſurpation* (as you are forced to call it) Firſt of the *Commonwealth* of *England*, which began in 1649, Then of *Oliver* the *Protector* ſet up in 1653, Succeeded by his Son *Richard* in 1658. And ſo on to the Year 1660. But there was no *Compromiſe* made with theſe *Uſurpers*, therefore their Publicks *Acts* for the Common Good of the *Subject* were *Confirmed*, and the Reſt Fell.

(31.) But it is to be Obſerved that None of theſe *Confirmations* were Underſtood to Extend to any thing that tended to the *Diſheriſon* of the *Crown*. Therefore *Hen.* II. Recalled the *Crown Lands* which were Granted away by King *Stephen*, with this Reaſon, *That the Charts of an Invader ought not to Prejudice a Lawful Prince*, as *N. B*, p. 37. has Quoted from Dr. *Brady*.

Dr. *Hig*. I have Anſwered that in my *Deſence*, p. 55. " That in the Ancient *Oath*, " taken by the Kings of *England* at their " Coronation, the King Swears, *That he* " *ſhall keep all the Lands, Honours, and Di-* " *gnities, righteous and free of the Crown of* " England, *in all manner Holy without any* " *manner of Miniſhments, and the Rights of* " *the Crown, Hurt, Decay, or Loſs, to his* " *Power ſhall call again into the ancient E-* " *ſtate*. &c." And this, ſay I, p. 56. " May ſerve for an Anſwer to what is " Urged by the *Natural Born Subject*, con- " cerning *Hen.* II. Revocation of King " *Stephen*'s Grants of Crown Lands."

Hoad. It will ſerve for more than that, Even for the *Revocation* of the *Crown Lands* granted ever ſince, and all thoſe *Rights* of the *Crown*, which *Kings* have Parted with, to be *Called back again into the ancient Eſtate*. Here will be a large Field for *Revocations*. For all the *Lands* of *England* did once belong to the *Crown*, and are ſtill Held of it. And the Power of *Parliaments* will, by this Rule, be *Called back again into the ancient Eſtate*. And what then will become of all our *Liberties* and *Properties?* Can a *King*'s Oath Diſſolve *Acts of Parliament?* This is beyond any of the *High-Flyers*.

Now, *Doctor*, what do you think of your ſelf? Will you Stand by all this, rather than Part with your *Hypotheſis?* Rather than let *N. B.* (whom you ſo much Deſpiſe) carry away the *Victory* from you? It is better to Recall the Grants only of *Uſurpers*, as *Hen.* II. did, than, with you, to Recall the Grants of all our *Kings*; beſides making them *Perjured* into the Bargain.

There is another Inſtance to ſhew it was the Notion of thoſe Times, That upon a *Compromiſe* the *Laws* of the *Uſurpers* ſhould ſtand, except thoſe that were made to the *Prejudice* or *Diſheriſon* of the *Crown* and *Lineal Succeſſion*. For this *N. B.* ſends you to Dr. *Brady*'s *Hiſtory of the Succeſſion of the Crown* &c. which you will find, p. 385. of his *Introduction to the Old* English *Hiſtory*. When *Richard* Duke of *York* put in his Claim to the *Crown* by *Proximity* of *Blood*, againſt *Hen.* VI. the then *Poſſeſſour*, it was Objected to the *Duke*, that there were *Acts of Parliament* which *Entayled* the *Crown* to the *Heirs* of *Hen.* IV. And that the ſaid Acts were *of Authority to Defete any manner of Title made to any Perſon.* To which the *Duke's* Anſwer was in theſe Words,

"That in trauth there been no ſuch "*Acts* and *Tayles* made by eny Parliament "heretofore, as is ſurmiſed, but oonly in the "Seventh yere of King *Henry* the *Fourth*, "a certain Act and Ordinance was made "in a Parliament by him Called, wherein "he made the Reaums of *Englond* and "*France*, amongſt other, to be unto him, "and to the Heires of his Body coming, and "to his four Sons, and to the Heires of their "Body coming, in Manner and fourme as it "appereth in the ſame Act. And if he "might have Obteyned and rejoiſed the "*Corones* &c. by Title of *Inheritance*, *Diſcent*, "or *Succeſſion*, he neither needed or would "have deſired or Maid thaim to be "Granted to him ſuch wyſe as be by the "ſaid Act, which tacketh noo place, neither "is of eny force or effect ayenſt him "that is right *Inheriter* of the ſaid *Corones*, "as it accordeth with Gods Lawe, "and all Natural Lawes; howe it be that "all other Acts and Ordinances made in "the ſeyd Parliament Sithen, been good "and ſufficient ayenſt all other Perſons.

And purſuant to this the *Compromiſe* was made, and Confirmed by *Act of Parliament*, which you may ſee *Rot. Parl.* 39 *Hen.* VI. wherein are theſe Words relating to the *Acts of Parliament* and *Judicial Proceedings* during the Reigns of the three *Henries*, except what Related to the *Succeſſion* of the *Crown*.

“ And furthermore the King Ordaineth granteth and Stabliſheth by the ſeid advis and Authoritee that all Statutes Ordenances and Acts of Parlement —— by the which —— The Heires of the Bodie of K. *Harry* the fifte comeing were, or be Enheritable to the ſeid *Corones* and *Reames* —— be Adnulled Repelled Revoked Dampned Cancelled Void and of Noo force or effecte &c. And over this the King by the ſeid Advis Aſſent and Autoritee Wolle Ordeyneth Eſtabliſheth that all other Acts and Statutes made afore this tyme by Autoritee of eny Parlement not Repelled or Adnulled by like Auctoritee or otherwiſe voide be in ſuch force effect and vertue as they were afore the makeing of this Ordenance. And that noo Letters Patents Royalx of Record nor acts Judicial made or doon afore this tyme not Repelled Reverſed ne otherwiſe void by the Lawe be prejudiced or hurt by this preſent Acte. Soe alwey if there can-

" not hereafter be allegged and proved a " more better and Sufficient Tytle to the " defeteing of this ſame Acte.

This *Compromiſe* was afterwards broken by *Hen.* VI. and *Richard* Duke of *York* was Slain in Battle. And therefore his Son *Edw.* IV. might not think himſelf Obliged to ſtand to this *Compromiſe* further than he thought fit, and this may be a Reaſon of that *Act* 1 *Edw.* IV. to Determine which of the *Laws* of the Three *Henries* ſhould ſtand and which not. However it cannot be ſaid that the *Laws* of the Three *Henries* did Stand meerly upon their own *Authority*, without any *Allowance* or even *Preſumptive Conſent* of the Lawful *Heirs*; which you ſo much *Ridicule*, and make perfectly Needleſs. And ſay, That the *Laws* of *Uſurpers* made with Conſent of the *States*, are *Valid* of themſelves, and have *Authority* to Alter the *Succeſſion* of the *Crown*, and quite *Extinguiſh* the *Right* of the Diſpoſſed *Prince* and his *Heirs*.

But the *Parliament* of *Hen.* VI. was of another Mind, who thought a *Compromiſe* Neceſſary to Confirm their *Laws*; and notwithſtanding the long *Poſſeſſion* of *Hen.* VI. and his full *Recognition* by *Parliament*, and the *Crown* being *Entailed* upon him by *Act of Parliament*, yet Declared that the *Right* of the true *Heir* by *Proximity* of *Blood, could not be Defeated.* I know you are Angry at this *Parliament*, for doing this, and ſo am I too. Ther were *High-Flyers* in thoſe Days, and they are alike Offenſive to *You* and *Me*.

The Lords further Objected in theſe Words, " It is thought that the Lord of " this Lond, muſt needs call to their Re- " membrance the great *Oaths* the which " they have made to the King, the which " may be leyd to the ſaid Duc of *York*; " and that the Lords may not break their " Oaths.

The *Duke*'s Anſwer was this, " That " no Oath being the Lawe of Man ought " to be performed, when the ſame lead- " eth to Suppreſſion of Truth and Right; " which is againſt the Lawe of God.

This was the Doctrine of thoſe Times. And it Prevailed ſo far, that the *Compromiſe* before mentioned was made, in which the *Acts* of *Hen.* VI. to that Time ſtood Good. But when *Hen.* VI. had broke this *Compromiſs*, and Expelled *Edw.* IV. tho' he lived *Ten* or *Twelve* Years afterwards, none of the *Acts of Parliament* made by him from that Time were thought *Valid*, but fell of themſelves, and have no Place in our *Statute-Book*, as the *Acts* of the *Commonwealth*, or of *Oliver* have not. But if a *Compromiſe* had been made betwixt King *Char.* II. and theſe *Uſurpers*, and the *King* Reſtored upon that Foot; perhaps their

Acts might have been ſuffered to ſtand, except thoſe that were for the *Diſherison* of the *Crown*. Yet would it not have followed, that King *Charles* had Recognized their *Right* as *Legiſlators*; eſpecially if he had openly Declared that they were not *de Jure*, tho' they had *de Facto* exerciſed the *Supreme* and *Legiſlative* Authority, as *Edw.* IV. did Declare. But you would Prove that he did own them to be *de Jure*, tho' he Declared he did not! Your *Undertaking* is *Magnanimous*!

But, Sir, *N. B.* Objected to you the *Commonwealth* of *England*, as well as *Oliver* the *Protector*; and you take no Notice but only of the latter, and put him off becauſe he did not take the Title of *King*. Will that do for the *Commonwealth* that was before him? Or is not a *Commonwealth* a *Government*? And has it not a *Legiſlative* Authority? Are they to be laid aſide too, becauſe they did not take the Title of *King*!

Or were they not a *Commonwealth*, becauſe not Recognized by the Lords *Spiritual* and *Temporal*? Is not *Holland* now a *Commonwealth* for the ſame Reaſon? And this is all the Reaſon you give againſt the *Protectorſhip* of *Oliver*. King *Char.* I. paſſed an *Act of Parliament* for Excluding the *Biſhops* out of the *Houſe* of *Lords* in *England*, and he Aboliſhed *Epiſcopacy* it ſelf in *Scotland*. Was the *Government* therefore Diſſolved? What do you make of theſe *Eſtates?* They are Part of our *Conſtitution* now it is true. But the *Conſtitution* may Alter the *Conſtitution*. We own no *Fundamental Conſtitution* but the Power of the *People*. That alone is *Unalterable* with us. When you was a *High-Flyer* you put it in the *Crown*. But now you are Come over to us, and own no *Right* to the *Crown* but what is *Parliamentary*; you have made your *de Facto Hypotheſis* Stoop to that. For you own *Oliver* was *de Facto*, but Object only that it was not Regularly *Parliamentary*, in the Common *Courſe*, as our late Happy *Revolution* was not, nor could be. You will Diſſolve all *Governments* in the World at this Rate, for ther never was any *Revolution* in the World exactly by *Rules* before ſet down. But when things are come to a *Settlemənt*, then to Submit, I thought had been the Notion of your *de Factoſhip*. But you have Jumbled all again, by Requiring us to look back, and Examine all the *Steps* by which it was brought about. And this is come upon you, from your thinking your ſelf Obliged at preſent to Diſown our *Oliver*, becauſe it is not *Popular*. Whom yet you muſt own to have been *Rightful* and *Lawful* in his Turn, or elſe Quite give up your *Hypotheſis*. And if you will ſtill Stick to it, Remember I tell you, you will, you muſt Join with every *Oliver* that ſhall Ariſe, and have the ſame *Succeſs* as he had. For by Quitting your *Jure Divino*, and *Kings* having their Power from *God*, you have left your ſelf no Ground to ſtand upon but the Power of the *People*, whoſe *Voice* you muſt henceforth own to be the *Voice* of *God!* You have Commenced a true blew Honeſt Dr. *Whigg*. I Congratulate your *Converſion*. Give me your Hand. Henceforth you and I are One. And *Higden* and *Hoadly* ſhall be Convertible Terms.

(32.) Dr. *Hig*. Not ſo faſt, Sir, —— You are for *Reſiſtance*, and I utterly Abhorr it. How then can we be One?

Hoad. Very good Friends for all that —— I countenance *Reſiſtance*, and you *Juſtify* it if it *Succeeds*. And what great Matter of Difference is here? You the *Receiver*, and I the *Thief*. We both Agree to ſhare the *Plunder*. Are we not then of a *Piece*, and of the ſame *Party*?

Dr. *Hig*. What you *Get*, I will *Keep*. I have been long enough on the Loſing Side. But I have *Sworn* to do ſo no more. For I have henceforward ſubſcribed my ſelf the Humble Servant of *Events*. And they ſhall never be *Againſt* me, becauſe I will be always *For* them.

And p. 111. I have laid down a *Maxim* will ſecure me in all this, *viz. Protectio trahit Subjectionem, et Subjectio trahit Protectionem*, which, I ſay, " *being Underſtood* " *as it ought to be*, of the *Protection* of a " *King*, is of it ſelf Sufficient to determine " the Senſe of the 25 *Edw.* III. and to " put an End to the whole Controverſy.

Hoad. That is, we owe *Subjection* to a *King* no longer than till He either *Will not*, or *cannot Protect* us. And the *Statute* of *Treaſons* is to be Underſtood only of a *King* who gives us *Protection*. But how then can you Condemn the *Regicides?*

Dr. *Hig.* O, I clear that Point abſolutely, p. 118. where I Quote the Lord Chief Baron *Bridgeman*'s Words to *Cook* the *Regicide*, viz. *King* Charles *was owned by theſe Men and you as King, you Charged him as King, and you Sentenced him as King, you Proceeded againſt him as King, and as yet King*, &c.

Hoad. That is who had yet the Name of *King*, as we ſay, once a *Captain*, and ever a *Captain*, though his *Commiſſion* be taken from him. But by your *Maxim*, as you Underſtand it, ther could be no *Treaſon* then Committed againſt him, within the Purview of the 25 *Edw.* III. becauſe he was not then Able to give *Protection* to any One, nor to Himſelf. And it is *Protection* only that draws our *Obedience*, as you ſay.

But the *Remarker* Quotes *Moor*'s Reports againſt you, where it is ſaid, " That
" Allegiance follows the *Natural Perſon* of
" the King, *for if the King is by force dri-*
" *ven out of his Kingdom, and another U-*
" *ſurps; notwithſtanding this the Allegiance*
" *of the Subject does not Ceaſe, though the*
" *Law does.*

Dr. *Hig.* I pay the *Remarker* off for this, p. 109. And *Ridicule* his *Natural Perſon* of the *King*, *as if* ſay I, *a King de Facto had not a Natural Perſon.*

Hoad. This was really very *Ingenious!* I believe the *Remarker* never Dreamt of ſuch a *Diſtinction* as this!

Dr. *Hig.* That was only to ſhew my *Wit!* But I come upon him in good earneſt for the *Ceaſing* of the *Law*, and ſhew that the *Law* did not *Ceaſe* under Kings *de Facto.*

Hoad. No, nor under *Oliver*, except what Related to the *King*, and the *Right* of the *Crown*. The ſame *Laws* were Pleaded as before. And theſe *Uſurpers* ſaid, That they made no Alteration of the *Law*, only as to ſome *Circumſtantial* things in the Manner of the *Adminiſtration*, which the *People* mended for the Better.

Dr. *Hig.* This *Oliver* comes Athwart me every Turn. You make him Parallel in every thing to my Kings *de Facto*.

Hoad. Had not you better come over to us Intirely, and Juſtifie the good *Commonwealth* of *England*, and *Oliver*, and the *Rump*, and all as we do, upon the Foot of the Power of the *People?* You Argue for the *Principle*, and yet are Afraid to Own the *Conſequences*.

Dr. *Hig.* It is not Time of Day yet. But the *Time* may Come, and there may Come a *Time*——

Hoad. Be not ſo Angry at *Oliver*. For he ſtands not a bit more in your Way, than the *Parliamene* 39 *Hen.* VI. and 1 *Edw.* IV.

Dr. *Hig.* O, I have got over theſe Cleverly, for I ſay in my *View*, p. 57. "That "this *Declaration* of the 39 *Hen.* VI. as "well as the Acts of the 1 *Edw.* IV. "were Repealed and Annulled by the Act "of Parliament, when *Henry* VI. Reco"vered his Throne."

Hoad. You might have Added, That *Edw.* IV. was then likewiſe *Attainted*, and *He*, and his *Heirs* for ever Excluded by *Act of Parliament* from Succeeding to the *Crown* of *England*. But all this makes againſt you. For he did *Succeed* notwithſtanding, and all theſe *Acts* were reckoned *Null* and *Void* in themſelves, as being made by an *Uſurper*, after that *Hen.* VI. had Diſpoſſeſſed *Edw.* IV. And therefore are not look'd upon as *Laws*, nor put among our *Statutes*, and the *Act of Parliament* 1 *Edw.* IV. ſtands ſtill Good notwithſtanding this *Repeal*.

Dr. *Hig.* I ſee not why *Hen.* VI. was not an *Uſurper* as much before the *Compromiſe* made with *Richard* Duke of *York* as afterwards. This ſeems to be an *Humour* in thoſe Times, and ſerves our *Non-jurors* to *Brangle* and *Perplex* the *Cauſe*.

Hoad. Give me leave, Sir, to ſay a word in behalf of theſe *Non-jurors*, though I love them Almoſt as little as you do. *Hen*, VI. did not *Uſurp* the *Crown*, but Succeeded to his *Father* and *Grand-father* who both Poſſeſſed it. And *Richard* Duke of *York*, the Next *Heir* of that *Houſe*, had Submitted, owned him as his *Sovereign*, Received *Commiſſions* from him, and Swore *Allegiance* to him. What Reaſon then had the moſt Rigid *Royaliſt* to ſet up the *Claim* of the Right *Heir*, till he thought fit to do it Himſelf? But after He did ſet it up, then He found Friends to Aſſert his *Right*, and even the *Parliament* Declared that his *Title* could not be *Defeated*, though ther was an *Act of Parliament* which had *Entayled* the *Crown* upon the *Heirs* of the *Houſe* of *Lancaſter*.

Dr. *Hig*. I know not what *Notions* they had in thoſe Days. But we know Better things now.

(33.) *Hoad*. But what then becomes of your *Common Uſage*, which you make your whole *Foundation*? You begin with it in your *Preface*, p. 1. "That it has been the "*Common Uſage* of the *Realm*, after *Revo-* "*lutions* to Submit to the *Princes* that "were Poſſeſſed of the Throne with the "Conſent of the *States*." This is all you Pretend to Prove. And you might have Saved your whole Pains, till you had found ſomebody who Denyed it. It was the *Common Uſage*, and could not be otherwiſe, elſe there could never have been any *Revolution*. And the *States* as well as others muſt *Submit*, before the *Revolution* could be Perfected. But then *Common Uſage* will go for one *Revolution* as well as another. And there have been *Anti-Revolutions*. When you come to be a Right *Whigg*, you will Deſpiſe this Argument of *Common Uſage*, for it has always gone on the ſide of *Wickedneſs* and *Vice*, more than of *Vertue* and *Truth*. What *Iniquity* may not be Juſtified by *Common Uſage*?

(34.) Dr. *Hig*. That is all the *Rule* I know for *Government*. For as I ſay in my *Preface*

Preface, p. 6. " Could it be Proved that " a particular Model of Government and " Rule of *S*ucceſſion to it, had been Inſtituted of God, as a Law to Mankind, " I ſhould think my ſelf not only Obliged to Submit to it, but Obliged to Submit to no other."

Hoad. Now you go beyond the *Remarker*, the *N. B.* and all the *High-Flying*, *Tantivy*, *Jure-Divino-Men* that ever I heard of. You will Always be Running from one *Extreme* to another. You have no *Moderation* in you. For though theſe ſay, That *Government* was firſt *Inſtituted* of *God*, and if *Government*, then ſure ſome *Particular Model* or other of it, for ther can be no *Government* but in ſome *Model*; And that this *Model* was a *Law* to *Mankind*, who Could not Alter the *Inſtitution* of *God*; That this *Model* was *Monarchy*, for that ther was no other *Model* in the world for many *Thouſand* years after the *Creation*; And that the *Succeſſion* of this *Model* was Eſtabliſhed in the *Primogeniture* Yet after all this they ſay, That when this *Model* is Broken, either by the *Vſurpation* of one *King* upon another, or by quite *Altering* the *Model* into that of a *Common-wealth* of whatever ſort; yet that from the Neceſſity of *Government*; and the Obligation *God* has laid upon Us of Submitting to it, We ought to Submit to ſuch a *Government*, where ther is no *Competition* as to *Right*, for that the *Poſſeſſor* has the *Right* againſt all who *Claim* not by a Better *Right*." Therefore your ſaying, That if *God* appointed a *Model* at firſt, *you would think your ſelf Obliged to Submit to no other*, is *Out-Flying* all the *High-Flyers* in the World!

But if this be your Mind, good Sir, help me againſt the *Reheraſal* who has Perſecuted me upon this Point, and Pretends to ſhew the *Inſtitution* of *Government* in *Adam*, and the *Deduction* of it all along from that Time. In anſwer to whom I have been forced to write a Huge Long Book againſt the *Patriarchal Scheme*, and p. 148. to Suppoſe that *Adam* might have been an *Vſurper*, that is, upon the Original *Rights* and *Liberties* of the *People*. And you are Obliged to Help me in this Caſe, otherwiſe your *Scheme*, as well as mine, will come to the Ground.

Dr. *Hig*. You ſhould not have minded him, as I ſerved *N. B.* He brought ſeveral Inſtances out of *Scripture* to Puzzle me, as of *David* and *Abſalom*, *Joaſh* and *Athaliah*, which would have quite Ruined my *de Facto Scheme*. But I was even with him, for I put in the *Contents* of my *Chap*. vii. That my *Scheme* was *not Contrary to the Holy Scriptures*, which will do well enough with the Generality of Readers,

ders, who ſatisfie themſelves with the *Contents*, and ſuppoſe all that is there is Proved; eſpecially from a Man of my Exactneſs. But I doubt not *N. B.* has been Peeping into that *Chapter*. And there I have Catched him, for there is not One Single Word as to theſe his *Objections*. I I have ſent him on an *April* Errand!

(35.) And to ſtop his Mouth, I cry W——r firſt. I tell him in my *Preface*, p. 10, 11. That I deal little with him, becauſe he *Wanders ſo long from the Queſtion, and ſometimes loſes ſight of it for many Pages together*. By this I mean his Diſcourſe about the *Conſtitution*, which employs the firſt *Section* of his *Book*, Shewing what the *Conſtitution* is, how it was formerly, and how it has Varyed from time to time in its *Current*, *Cuſtom*, and *Uſage*, to what it is at this Day, and which is the *Original*, the *Fountain*, and *Unalterable* CONSTITUTION.

Hoad. Was this *Wandring* from the *Queſtion?* You called your Book a *View of the Engliſh Conſtitution*, and your whole Argument runs upon the *Conſtitution*, yet you no where tell us what it is, but ſuppoſe it to be indeed, *you know not what*. Thereſore his Method was Right, and keeping the *Quſtion* Cloſe *in Sight* all the Way. I believe you thought it too *Cloſe*, and found no other way to *Anſwer* it, but this ſlight *Put off*. And I muſt tell you that Every body Saw through this wilful *Defect* of yours, to *Divert* and *Amuſe* us with *Conſtitution*, *Conſtitution*; but never to enter into the Point, *whence* it came, or what *Certain* thing it was. For as to the *Derivative* Power of Either, or Both *Houſes* of *Parliament*, it has *varyed* greatly, and is not now the ſame it was in Former Times. And therefore your telling long Stories of the *Cuſtom* and *Uſage* of *Parliaments* in Old Times (which Prove all againſt you, as it has happened) is indeed *loſing Sight* of the *Queſtion*, and not for *ſome Pages together*, but it is the *Whole* of your *Book*, which *Wanders* all the Way from the *Point*. For what is it to us what was done long ago, if it be not Agreeable to our *Laws* and *Conſtitution* Now? And whoever would make the *Cuſtom* and *Uſage* then a *Standard* for what is to be done Now, would run himſelf into many *Inconveniences*, perhaps into *Treaſon*: Therefore there is no way but to come to the *Original Conſtitution* which *Altereth not*. We place it, next under *God*, in the *People*; Others (as you once) in the *Prince*. To which if you ſtill Adhere, there is an End of all you have ſaid. But if you make the *Parliament* a Power *Superiour* to, or *Co-Ordinate* with the *King*, that he is no *King* without their Conſent, as you do now in your *Defence*, then you cannot ſtop ſhort of the Power of the *People*. You have no other *Landing-place*. And if you had Begun there, how much Eaſier had your Labour been? You might have ſaid with us, That the *People* might make what *Alterations* they pleaſed in any Branch of the Inferiour *Conſtitution* which was *Derived* from them. And there had been an End of the whole Matter. I mind you of this more than Once, becauſe it is *True*, and is the *Jugulum Cauſæ*.

Dr. *Hig*. I ſee it well enough. But I will no more Anſwer you, than I did *N. B.* I will not be brought to ſay in Plain Words, That all *Government* is Founded upon the Power of the *People*. For that *Cauſe* has been ſo *Baffled* and *Expoſed* in your Hands, that no Man of Senſe will ever Inſiſt upon it any more. And beſides, it would Diſoblige my New *Friends*. But I have owned it in *Conſequence*, and built all my *Arguments* upon that *Suppoſition*. Therefore I think you *Whiggs* ought to be Contented, and let me go on my own Way, ſince you ſee it is all in Favour of your *Principles*, and that I Incline more and more towards you every Book I Write.

(36.) *Hoad.* But what do you ſay to the Many that were *Attainted* for Fighting for the King *de Facto* againſt the King *de Jure?*

Dr. *Hig.* I ſay, it was only by *Attainders.*

Hoad. And is not that Enough? Would *Parliaments* Attaint Men Wrongfully? And does not this Shew the Senſe of *Parliaments?* But *N. B.* told you of *Several Perſons were* put to Death for this without *Attainders.*

Dr. *Hig.* I anſwer that in my *Defence,* p. 83, 84. I ſay, p. 84. " That he ſays " true, but trifles at the ſame time, for " that the other Ways of putting Men to " Death, is ſtill a more violent Courſe " than *Attainders* themſelves.

Hoad. Is not an *Attainder* as *Violent* a Way as any? But was the Diſpute about the *Violence* of the Way? This is Turning the Queſtion.

Dr. *Hig.* I uſe that frequently. But I ſay in the next Words, " If he means " the Duke of *Sommerſet* and the reſt were " put to Death upon a Sentence after a " Conviction by a *Jury,* in the Ordinary " Courſe of Proceedings by Indictment---

Hoad. Do you not know, That *Peers* are not Tryed by *Juries? N. B.* told you, p. 95. That the Duke of *Monmouth* was *Attainted.* But he asks you, Whether that be any *Argument* that he Could not have been *Tryed* in the *Ordinary Courſe?*

Dr. *Hig*. A *Fool* may ask more Queſtions than a *Wiſe* Man can Anſwer. But I tell him, p. 85. of a *High Conſtable*, and *Earl Marſhal* at the *Tryal* of the Duke of *Sommerſet*.

Hoad. This looks liker a *Tryal* by *Peers* than an Ordinary *Court Marſhal*. I know not that a *High Conſtable* is uſed in *Courts Marſhal*, he is an *Officer* of *State*.

But *Attainders* by *Parliament* ſhew the Senſe of the *Nation* and of the *Legiſlature*, more than Ordinary *Tryals* by *Juries*. And not only thoſe that Fought for Kings *de Facto*, but the *de Facto* Kings themſelves have been *Attainted*, as *Uſurpers* and *Traitors*. *N. B.* p. 61.

Dr. *Hig*. I ſay, p. 83. *That ſome of theſe Attainders were no more to be drawn into Conſequence, than thoſe Executions.*

Hoad. This is finding Fault with *Acts of Parliament*. Take *Some*, and Leaving *Others*, as you think fit. This is ſetting up your ſelf as a *Judge* over *Parliaments*. And what then becomes of your whole *Scheme*? What *Rule* of *Law* is ther? Or what *Foundation* do you Stand upon?

Dr. *Hig*. I quote an *Act of Parliament*, p. 81. Damning a former *Act of Parliament* as being, *Againſt all Righteouſneſs, Honour; Nature, and Duty; an Inordinate Sedi-*

tious, and Slanderous Act. This was an Act *Attainting* King *Hen.* VI. after he had been Expelled by *Edw.* IV.

Hoad. But however Free *Parliaments* may make with one another, it does not become you nor me, Sir, to put our ſelves upon the Level with them, and Queſtion *Acts* of *Parliament*. They are the Supreme *Law* of the Land. And you Quote them Vigorouſly when you think they make for your *Scheme*, and Reject their *Authority* with Contempt, when they make againſt you. Then they were *Overawed*; or they were in a *Heat*; they were not Rightly *Called*; or ſomething was *Defective* in their *Conſtitution*, ſome *Attainted* Perſons ſat among them, or ſome who had not *Qualified* themſelves according to *Law*. But all this is Overlooked when the *Cauſe* pleaſes you, and you are for *de Facto Parliaments*, as well as *Kings*.

Dr. *Hig*. So was our *Saviour*, when He commanded Subjection to the *Roman* Government, which was *Elective*, and only *de Facto*.

Hoad. This will not do againſt *N. B.* for he owns *de Facto* to be *de Jure* too, when ther is no *Competitor* who *Claims* by a better *Right*. Beſides he obſerves that neither our *Saviour* nor any of the *Apoſtles* ever Named the *Senate*, which was then a Part of the *Conſtitution*, but Command *Obedience* only to the *King*.

(37.) Dr. *Hig.* But I quite Rout him, p. 138. where I ſay, " I cannot but, by " the way, take Notice, that the Com" mand of our Bleſſed Saviour to the Jews, " to be Subject to the *Roman* Monarchy, " which was Elective, is an *Invincible* Ar" gument againſt thoſe who Maintain that " which is called the *Patriarchal* Scheme " of Government to be of Divine Inſtitu" tion, and Obligatory to all Mankind: " For had it been ſo, our Saviour with" out doubt, when the Queſtion was put " to Him about the *Roman* Government, " and the Lawfulneſs of Submiſſion to it, " would have recalled his Hearers to the " Divine Original Inſtitution, and told " them, that *from the beginning it was not* " *ſo*, that the Government under which " they lived was a Deviation from the " Divine Inſtitution: As when the Caſe " of *Divorce* was put to Him, notwith" ſtanding the general Practice both of " Jews and Gentiles, He reduced Man" kind from the Deviation to the Divine " Original Inſtitution of Marriage. But " ſo far was our Bleſſed Saviour from de" livering any ſuch Doctrine, that He " commands Subjection to the Roman

" Emperour, and Acknowledges his Authority was from God. *Joh.* xix. 11.

Hoad. Then *N. B.* will ſay, not from the *People*. But he has a Fetch will ſave his *Patriarchal* Scheme from this *Invincible* Argument of Yours. For you unwarily put it upon the *Authority* of the *Emperour*, without adding, by Conſent of the *three Eſtates*. But may be you think that is a *Law* only for *England!* And you call it the Roman *Monarchy*. Which he makes the *Original Government*. So all this comes in to Him. Then again his *Principle* that *Poſſeſſion* gives *Right*, where none *Claims* a Better *Right*, makes that *Roman Emperour* a True and Lawful *King*, for you Confeſs that *Monarchy* was not *Hereditary* but *Elective*.

Dr. *Hig.* But *Elective* being a *Deviation* from the *Original Inſtitution*, according to him, I ſay, Our Saviour *would have Recalled his Hearers to the Original Conſtitution*, and told them, *That the Government under which they lived was a Deviation from it.* As he did in the Caſe of *Marriage*, upon the Queſtion of *Divorce* put to Him.

Hoad. That Queſtion was not, whether a *Wife* ſhould put away her *Husband* for *every Cauſe*, but whether a *Husband* ſhould put away his *Wife?* For you muſt know he is ſo Strict upon the Point of Obedience to *Superiours* of all ſorts as thinking it the *Inſtitution* of *God*, that he ſays, *God* has no where given *Inferiours* Authority to Correct or *Puniſh* their *Superiours* for the Groſſeſt *Crimes*. Thus in Caſe of *Idolatry*, the *Father* was to Kill his *Son*, and the *Husband* his *Wife*. *Deut.* xiii. 6. But the *Son* was not to Riſe up againſt his *Father*, nor the *Wife* againſt her *Husband*, no, not to bear *Witneſs* againſt them. Thus *Kings* were to *Puniſh* their *Subjects* for *Idolatry*, or other *Crimes*; but not *Subjects*, their *Kings*. And the *Hearers* of *Chriſt* to whom He then Spoke, being the *Subjects* of the Roman *Emperour*; and the Duty of *Subjects* being (according *N. B*'s *Scheme*) only to *Obey*, not to *Set up* or *Set aſide* their *Kings*, Conſequently he ſays, That *Chriſt* did not *Recall them* to the *Original Inſtitution* of *Hereditary* inſtead of *Elective*, becauſe it was not *Their* Part to do it; and it would have been *Rebellion* in Them. It would be *Uſurping* an *Authority* which *God* never gave them. So that this is no *Anſwer* to *N. B.* But he thinks it an *Invincible* Argument on the other Side, againſt the Power of the *People*, that *God* has not given them *Authority* to *Correct* even *Abuſes* in the *Government*, or *Deviations* from the *Original Inſtitution*.

A *Baſtard* is a *Deviation* from the *Original Inſtitution* of *Marriage*. Yet he is a *Man*, and has Right to his *Life*. So *N. B.*

thinks *Elective* Governments, and *Commonwealths* to be *Unlawfully* Begotten, yet that they are *Governments*, and *Lawful* too, where ther is no *Claimer* againſt them who has a Better *Right*.

This *N. B.* Objected before, and you have yet found no *Anſwer* to him more than my ſelf. However, Sir, I return you my Thanks for this your *Endeavour*, tho' *Fruitleſs*, againſt the *Patriarchal* Scheme. We are Both undone, if That prevails.

(38.) Dr. *Hig.* If we cannot Prevail againſt him by *Argument*, let us Hew him down by *Contempt* and *Deſpiſing* him. Thus I treat him, p. 158. where I ſay of him, *I believe he has no better than* ALMANACK *Authority*, for what he ſays. This renders him ſo *Little*, that none will give heed to what comes from ſuch an *Author*.

Hoad. Why? Did he Quote any thing from the *Almanack?*

Dr. *Hig.* No. But he ſaying, p. 36. that *Hen.* I. Married the Heireſs of the *Saxon* Line, and the *Oxford Almanack* and ſome others, in the Chronological Table of our Kings, putting here this Note, *The Saxon Line Reſtored*, I infer that he had no other than *Almanack* Authority for this.

Hoad. Was not the *Saxon* Line then Reſtored?

Dr. *Hig*. Yes. *Maud* the Wife of *Hen*. I. was of the *Saxon* Line, but I ſhew that ſhe had Three *Brothers* ſucceſſively *Kings* of *Scotland*.

Hoad. But did they *Claim* the *Crown* of *England*? Otherwiſe *N. B.* is not Hurt by this, for you know he lays his Streſs upon the *Claim*. None being Obliged to Aſſert a *Right* that is not *Claimed*. And her *Brothers* not *Claiming*, ſhe might be Called the *Heireſs* of the *Saxon* Line to the *Crown* of *England*. And if the *Kings* of *Scotland* her *Brothers* had *Claimed*, ſhe was ſtill of the *Saxon* Line, and all you can ſay, is, That the *Engliſh* had got it by the wrong End. So that I ſee little Cauſe of your *Triumph* here.

Dr. *Hig*. I ſhew another Miſtake of his, p. 156. where Speaking of the *Compromiſe* betwixt *William* II. and his Brother *Robert*, he ſays, that *Robert* was to have had the *Crown* after his Brother *William*'s Death. But I prove that *William*'s *Sons* were Included, if he ſhould have any.

Hoad. This can hardly be called an *Omiſſion*. For the Buſineſs of *N. B.* there was only to ſhew that ther was a *Compromiſe*, by which *Robert* had a Hazard for the *Crown*, and *William* by his Conſent Suffered to Enjoy it for his Life, and no other *Circumſtance* of the *Compromiſe* was Neceſſary to be Mentioned. And you know that *Author* has a *Short* Way of Writing, to avoid *Superfluities* all that is poſſible, but to keep Cloſe to the Point in Hand.

Dr. *Hig*. I take Notice, p. 157. That all theſe *Miſtakes* of his are in *Three Lines* of his p. 36.

Hoad. There is one Whole *Word*, and *Half* a *Word*, beſides the *Three Lines*. And they are within *Three Lines* of the *Bottom* of the *Page*, not out of the Reach of a *Rat* who ſhould *Nibble* at the *Corners* of the *Leaves*. But, Sir, is there any thing *Material* in theſe Smart *Obſervations* of yours, any thing wherein the *Cauſe* betwixt you Two was Concerned? Otherwiſe if he ſhould Slip in a *Circumſtantial*, of no Conſequence to the *Diſpute*, it will be thought very *Trifling* in you to make ſuch a *Stir* with it, and *Crow* over him as for a *Victory*!

Dr. *Hig*. I muſt Hit him where I can. But as I ſay, p. 176. *I am perfectly ſatiſfied that I did not want* TEMPER.

Hoad. I am apt to believe you thought ſo, and that this was very *Civil* Treatment!

Dr. *Hig*. You will Provoke my *Temper* if you talk at this Rate. What! Do you *Jeer*?

(39.) *Hoad.* No Harm, Sir, But here is juſt now brought to me the *Statute Book*, and I am reſolved to ſee 13 *Car.* II. c. 13. Which you before Quoted for an *Inſtance* of the *Acts* of Kings *de Jure* being *Confirmed* for want of Sufficient *Authority* in the *Prince.* This *Act* is to veſt in the *King* the *Arrears* due by thoſe who had been Employed during the Rebellion, to Collect the *Duty called Exciſe heretofore made payable upon Beer, Ale, and other Commodities, by any Laws or pretended Laws or Ordinances, and all Debts therefore owing* &c. *as if the Same Duties had been Lawfully Aſſeſſed* &c.

There is another *Act* called the 13 of the 13 and 14 of *Char.* II. which perhaps you mean, but you ſhould have been more Diſtinct. Yet there was a Reaſon, for it is not one bit more to your Purpoſe. It is an *Act* to prohibit the Importation of Foreign *Band-ſtrings, Bone-Lace, Buttons*, &c. The Preamble having Named ſeveral Abuſes committed in that kind, contrary to ſeveral Statutes made in the 1 of *Rich.* III. 3 of *Edw.* IV. 19 *Hen.* VII. and 5 *Eliz.* and to a late *Proclamation* dated the 15 of *November* then laſt paſt, for putting the ſaid Laws in Execution. The Act begins thus, *For redreſs whereof, and prevention of the like Miſchiefs for the future, be it Enacted by the King's moſt Excellent Majeſty* &c. If this be what you mean by *Confirming*, you might have found Innumerable *Inſtances* of the like Nature in our *Statute Book*, or without troubling your ſelf ſo much, in our Daily *Votes*, as Printed by *Tonſon* or *Clements*. And it was Certainly a great Inſtance of your *Temper* to Mention but *One* out of ſuch a *Crowd*.

Dr. *Hig*. Sir, I can make *Statutes* ſpeak what I pleaſe. And I am not bound to give you an Account why I Quoted that *Statute*, without telling what was in it. Nor was it *Manners* in you to take all this Pains to *Detect* me. I am a great *Traveller* in *Hiſtory* and *Records*, and I ought not to be Denied the *Privilege* of One. Dare you undertake me in *Hiſtory* ?

(40.) *Hoad*. No, not for the World! And for another Reaſon, becauſe it is to no manner of Purpoſe in the preſent *Caſe* ; which is to be Determined by Certain *Rules* of *Truth* and *Juſtice* ; not by what *Has been* done, but by what *ought* to have been done.

Dr. *Hig*. This is to put a *Spoke* in my *Wheel*. It is to *Anſwer* my whole *Book* ; for there is Nothing elſe in it but *Old Stories*, which I would make *Precedents*. And if theſe be not True in every *Circumſtance*, and Exactly fitted to our preſent *Caſe*, then they are *Impertinent* indeed!

Hoad. True, *Doctor*, for you know a little Variation of *Circumſtance* will make two *Caſes* differ vaſtly. But what will you do with Contrary *Precedents*? For many ſuch we have, as ſome *Acts of Parliaments* Intailing the *Crown* from the Right *Heirs*, others declaring ſuch *Acts* Null and Void, as in the Caſe of *Richard* Duke of *York* and *Hen.* VI. May we take which of theſe we pleaſe?

Dr. *Hig*. I ſay in my *View*, p. 6. "That *Precedents* I Confeſs are not always "Arguments of the Strongeſt kind."

Hoad. Of what *Kind* then? Here you *Confeſs* of what *Kind* all your *Arguments* are.

(41.) Dr. *Hig*. I care not for that, ſo I can ſhew my *Parts* in *Hiſtory*. See how I Mumble the *Remarker* for making *Merks* Biſhop of *Carlile* a *Loyal* Man (though it is nothing at all to our Buſineſs) For I ſhew in my *Defence*, p. 39. That he Accepted a *Pardon* from *Hen.* IV.

Hoad. Was it for being *Loyal* to him? But he muſt be a *Diſloyal* Man who would ſave his *Life* by Accepting a *Pardon* from an *Uſurper*?

Dr. *Hig*. " But certainly (as I ſay p. " 40.) his Obeying that King's (*Hen.* IV.) " Summons to Parliament, and his Sitting " in that Parliament, was much more.

Hoad. Not much, if that *Parliament* was called by *Rich.* II. the Lawful King, or in his Name. For then Biſhop *Merk* Obeyed no *Summons* of *Hen.* IV. to *Parliament*. But in the *Parliament* Called afterwards by *Hen.* IV. in the firſt Year of his Reign, there is in *Dugdale*'s *Summons to Parliament* a *Writ*, not to *Thomas Merk* Biſhop of *Carlile*, but *Cuſtodi Spiritualitatis Epiſcopatus Karliol*, *Sede vacante*. For the *Pope* (always a Favourer of the Fortunate) to Gratifie *Hen.* IV. had removed *Merk* from *Carlile*, and gave him the Title of Biſhop of *Samos* in *Greece*. And *The Engliſh Conſtitution fully Stated*, p. 20. tells you, "That the *Parliament* in which Biſhop "*Merk* Sat was *Summoned* not in *Hen.* IV. "but in *Rich.* II's Name. And that Bi-"ſhop *Merk* in his *Speech* calls the One "King *Richard*, the Other Duke *Henry*, "or the Duke of *Lancaſter*, concluding "(as it is in *Truſſel*, p. 54.) That King "*Richard* remaineth ſtill our *Sovereign* "*Lord*.

(42.) Dr. *Hig*. I take Notice of this *full Stater*, and ſpend four Pages upon him, beginning at p. 99.

Hoad. And what *Anſwer* do you give to this?

Dr. *Hig*. None at all —— But I *Deſpiſe* him much! And Claw him off for

a

a Miſtake (as I think) in Point of *Time*, as to the *Oath* taken by *Richard* Duke of *York* to *Hen.* VI. which he ſays was upon the Agreement made betwixt them the 39th of *Hen.* VI. But I ſhew that the *Duke* took *Oaths* to him the 30th and 31th *Hen.* VI. which I ſay were the *Oaths* I meant. It is true they were all *Oaths* of *Allegiance* to *Hen.* VI. So that the *Argument* is not much Concerned in the Matter. But he gave me Room to ſay, That he had miſtaken my Meaning. And thus I Correct him for it, p. 100. " Now it is not plainer in " Numeration, that 31 goes before 32, " and that 39 is after both theſe Num- " bers, than it is in *Stow*, that the Dukes " Oath, on which I laid ſo great a Streſs, " was taken by him in the 30th Year, " repeated Twice in the 31th Year of " *Hen.* VI. and that the Agreement was " not made till the 39th Year of that " King.

Hoad. But, Sir, in your *View*, p. 55. you ſay, That the *Oath* on which you lay the *Particular* Streſs, and which you there ſet down, was in the 29th Year of his (*Hen.* VI's) Reign. Now may not the *full Stater* Return your *Inſult*, and ſay, That it is not plainer in *Numeration*, that 31 goes before 32, than that 29 goes before 30 or 31? But he would be a *Trifler*, and Studious to Avoid the Queſtion, who ſhould take hold of ſuch *Miſtakes*, and ſpend Time upon them. The *Queſtion* you were upon was concerning *Non-Jurors* in *Hen*. VI's Reign, and the Earlier that *Richard* Duke of *York* took *Oaths* to *Hen*. VI. it Clears the Matter the more why we ſhould not find *Non-Jurors* in that Time, ſince (as I have told you before) none is Obliged to ſet up His *Right* who *Diſowns* it Himſelf. But this did not hinder them from Adhering to the next *Heir* as ſoon as he ſet up his *Claim*, all their *Oaths* notwihſtanding; the *Anſwer* of *Richard* to which Objection I have ſet down already, That *Oaths* againſt *Right* and the Law of *God* do not Bind.

Dr. *Hig*. If you ſtop me from my *Hiſtory* and *Chronology*, you ſhut up my Mouth! And though the *full Stater* Writes like a Gentleman of *Senſe* and *Learning*, yet I tell him, p. 101. That he had Read *Stow* backwards. And where he makes a Modeſt Apology for his Performance, as a *Buſineſs he was Unaccuſtomed to, and like to go on Slowly, and to be but Aukwardly done at laſt*, I reply *Smart* upon him, p. 103. *In this I perfectly Agree with him*. And ſay, p. 102. That *after this, I ſhall want the Reader's Excuſe, if I ſhould take any further Notice of it*. And ſo *I take my Leave of him*.

Hoad. Very *Civilly* indeed! And a full *Anſwer* to all his *Book!* Which yet has the Fortune to be better Eſteemed by Others than by you, *Doctor*.

(43.) Dr. *Hig.* That is by *Men of Leaſure*. But however I will keep my *Temper*.

Hoad. No, *Doctor*, I would have you *Change* it, if any Body will *Change* with you. It is too *Haughty* and *Inſulting* to be Born, except by Men of another ſort of *Temper*. I dare ſay, if you knew the *full Stater* you would *Bluſh* for your *Rude* Treatment of him.

Dr. *Hig.* I am ſure I deſigned to Avoid *Ill Manners* all that I could.

Hoad. Then it ſeems it was not in your Power. And you are not yet well enough Acquainted with your own *Temper!*

(44.) But ther is one thing I had almoſt forgot, which is the Requeſt *N. B.* made to you at the Cloſe of his *Letter*, That you would be pleaſed to give us a little more *Scripture* for the Satisfying of *Conſcience*, rather than your *Year-Books* and *Annals*, whoſe Authority is very Uncertain.

Dr. *Hig.* I cannot Gratify you nor him in this. He preſſed me to it, and brought ſeveral *Inſtances* out of *Scripture* againſt me. But I have wholly Waved them. And if you cannot Gueſs the Reaſon, I ſhall not tell you.

But what has the *Bible* to do with *England?* The *Annals* of *Waverly*, and *Bagot*'s-*Caſe*, ſhew us the *Conſtitution* much better.

Hoad. What is *Bagot's-Caſe* to me, or how it was Determined? How many *Judgments* have been *Reverſed?* And one *Chief Juſtice* has as much Authority to make *Precedents* as another. But ther is one *Circumſtance* in that *Caſe* makes it of leſs Weight with me. It was about Half a Year before the *Revolution*, when *Edw.* IV. was *Diſpoſſeſſed.* And we may Reaſonably ſuppoſe the *Judges* then would not be over Forward to Affront *Hen.* VI. juſt Ready to Re-Mount the *Throne.*

(45.) But as to the *Laws*, and the Difference they make betwixt a King *de Facto* and *de Jure*, which is your whole *Cauſe*, I deſire to Remind you of *Two* Points wherein the whole *Streſs* of the *Cauſe* does lye, That you overlook them not, and give no *Anſwer* to them.

The *First* is, That you would ſhew in all our *Statute Book* any *Act* of an *Uſurper* or a King *de Facto* that was Allowed by the next Succeeding King *de Jure*, where ther was not a *Compromiſe.*

The *Second* is, To ſhew any *Act* of a King *de Jure* that was *Confirmed*, for want of Sufficient *Authority* in the *Prince*. [Except the fore-mentioned of the 12 and 13 *Car*. II.]

If neither of theſe can be done, the *Cauſe* is Determined all at once, as to the Difference of Kings *de Facto* and *de Jure* by our *Laws*.

Dr. *Hig*. *Richard* III. was an *Uſurper*, and there was no *Compromiſe*. Yet his *Laws* ſtand good to this Day.

Hoad. He was Succeeded by *Hen*. VII. who was an *Uſurper*. And one *Uſurper* would not *Vacate* the *Laws* of another for being an *Uſurper*. And *Hen*. VIII. could not do it without *Reflecting* likewiſe upon his own *Father*. Nor *Edw*. VI. Q. *Mary*, or Q. *Elizabeth*, without the ſame *Reflection* upon their *Grandfather*. And *Jam*. I. being of another *Nation*, and knowing Many of the Great Men of *England* not well Affected towards him, was Content to take their *Laws* as he found them, and not to Unravel what had been Received as *Law* for Five *Reigns* before him. And leſs Reaſon had any who Succeeded him to do it. The *Laws* being Good as to the *Subject*, and not Prejudicial to the *Right* of the *Crown* or the *Succeſſion*.

Theſe are all the *Laws* in our *Statute Book* made by any *Uſurper* which Stand good without a *Compromiſe*. And theſe Stand upon the *Preſumptive Conſent* of the Succeeding Rightful *Kings*, who by Suffering them to be Pleaded as *Laws* for ſo long a Time, have *Confirmed* them as ſuch.

And, *Doctor*, it does not ſhew you to be over Converſant with the Beſt *Divines* and *Lawyers*, when you Ridicule this *Preſumptive Conſent*, upon which they all Inſiſt. See *Grotius de Jur. Bell. & Pac. Lib.* 1 *c.* iv. *n.* xv. Biſhop *Sanderſon Prælect.* 5 *de Leg. Human. Oblig. Sect.* 21. *Puffendorf. de Jur. Nat. & Gen. Lib.* vii. *Cap.* viii. §. 10, where you will ſee great Uſe made of the *Preſumptive Conſent* of the Rightful *Prince* in Caſe of *Vſurpation*. And he ſets this down as a Rule, That neither the *Conſent* or *Agreement* of the *Subjects*, nor their *Oaths* to the *Vſurper*, can take away the *Right* and *Pretenſions* of the Lawful *King*. *Neque vero Civium Pactum, & Fides Invaſori data Legitimi Regis Jus atque Pretenſionem videtur tollere poſſe.*

They tell us likewiſe that *Laws* made by *Vſurpers* do not bind the *Conſcience*. But yet may obtain the Force of *Laws* by Cuſtom, if they are Permitted to ſtand, or Tolerated by Lawful *Kings*, as having thereby their *Preſumptive Conſent*. *Ex eo quod ab Imperium habente toleratur. Grot. de Jur. Bell. Lib* .ii. *Cap.* iv .§. v. N. 2. And he ſays, *ibid. Cap.* xvi. §. xvii, xviii. ſpeaking of a *King* driven out of his *Kingdom* by his *Subjects*, That *Jus Regni penes ipſum manet, utcunque Poſſeſſionem amiſerit.* And ſpeaking of the *Vſurpers*, ſays, *Hi Poſſeſſionem habent*, *Jus non habent*—— *Et Odioſa eſt Invaſorum Cauſa.* That a *King* diſpoſſeſſed by his *Subjects* has Still the *Right* to the *Kingdom*, however he has loſt the *Poſſeſſion*. That the *Vſurpers* have the *Poſſeſſion*, but not the *Right*. And that their *Cauſe* is *Odious*.

And *Gulielmus Grotius* Brother to *Hugo Grotius*, and an Eminent *Lawyer*, in his Book *De Principijs Juris Naturalis*, *Cap.* xv. §. vii. Speaking of *Contracts* and *Agreements*, Condemns all that are made by *Subjects* againſt their *Prince*, or without his Conſent, becauſe the *Inferiour* can do nothing againſt the Will of the *Superiour*. *Quod Inferior contra Superioris Voluntatem nihil poteſt efficere.*——— And *Ea quæ contra Leges ſunt Irrita eſſe:* That all are *Void*, which are made contrary to the *Laws*. *Et ſi Stipulatio interpoſita ſit de his, de quibus ſtipulari non licet, ſervanda non eſt, ſed omnino reſcindenda.* That any *Stipulation* made in things where it is not Lawful to *Stipulate*, ought not to be Kept, but altogether *Reſcinded*.

Sir, Theſe things are in flat *Contradiction* to your *Hypotheſis* in all the Parts of it And it would not have been Unbecoming you to have made your Way to it by firſt Conſidering what Learned Men have ſaid concerning the *Law* of *Nations*, and the Nature of *Laws* in General, without Confining your ſelf to the Narrow

Compaſs of a few *Caſes* in our *Years-Books*, which yet make nothing to your Purpoſe.

You lay your whole Streſs upon the *Conſent* of the *States*. To make which good, *Two* things are Incumbent upon you, from the *Authorities* I have Quoted. *First*, To Prove that the *King* is not *Superiour* to the *States*. And then what becomes of your *Supreme* and *Soveraign* Authority of the *Prince?* And *Secondly* to Shew that the *Stipulation* by them made for *Transferring* their *Allegiance* &c was *Lawful*. And you muſt Produce your *Laws* to this Purpoſe. For if either of theſe *Requiſites* be Wanting, then, by what is ſaid before, the *Stipulation* is *Void*, as well as *Wicked*.

But there is a Living *Authority* may be of greater Weight with you. It is the Learned Dr. *Cumberland*, now Biſhop of *Peterborough*, in his Book *De Legibus Naturæ*, wrote chiefly againſt *Hobbs* and his Followers, where he affirms, p. 386. *Edit.* 1672 That the Paternal Dominion is the true Origin of all Power Civil and Eccleſiaſtick; That the firſt Family was the firſt Civil Society and the firſt Church, and as Families increas'd in Number, ſo did States and Churches, and that as this Account agrees with the Nature of things and with right Reaſon, ſo alſo with the Divine *Moſaic* Hiſtory.

This is directly againſt me; but he falls moſt heavily upon you, p. 420, where he charges your *Hobbian* Principles, as the greateſt Encouragement of the People to Rebellion, becauſe they give the Rights of Soveraignty equally to thoſe who have aſcended the Throne by Sedition and impious Regicide, and to Kings who have their Authority by the juſteſt Title.

You make no Difference between *Charles* and *Oliver*, if the *Protector* gets Conſent, which will always follow Poſſeſſion; and the ſame Author obſerves, that *Hobbs* publiſh'd his *Leviathan Quo tempore triumphabat in* Britannia *Rebellio, & Legitimus Rex exulabat*: He has cited likewiſe the Saying of *Hobbs* himſelf in his Epiſtle before his *Leviathan*, That he defended the Sovereign Powers in being, as the Geeſe did the *Romans* in the *Capitol*, by their Gaggling, ready with the ſame Noiſe to defend the *Gauls* if they had got poſſeſſion of the *Capitol*. You write for the Sovereign in Poſſeſſion; but if he is unjuſtly dethron'd, you turn your Argument againſt him, and your Gaggling is for the Intruder. Thus that Learned Author has Reaſon to conclude his Book as he does, *That* Hobbs *with one Hand offers Gifts to Princes, while with the other he perfidiouſly thruſts a Sword into their Hearts.*

Hobbs 'tis true had ſomething to ſay for himſelf, according to his *Principle*, That by *Nature* every Man has a Right to every thing, and ſo to a *Crown* if he can Get it. And my *Principle* is, That if the *Government* do not Right, or ſhew an *Inclination* to *Tyranny*, the *Subjects* may Throw it off, and Recurr back again to the State of *Nature*. But how you will get off who Aſſert *Divine Right*, and yet make *Uſurpation* to *Extinguiſh* it; and at the ſame time Deny the Power of the *People*, is left to your own *Wit* to Explain! Till when, your *Scheme* will appear as *Pernicious* and more *Contradictory* than that of either *Hobbs*, *Hoadly*, or *Hottentote*.

(45.) *Hott*. Gentlemen, I have Liſten'd long to your Diſpute. And perhaps I may put an End to it. It is a *Principle* in our *Natural* Religion, that if one Man has done *Injury* to another, he ought to make *Reparation*, as far as in his Power. I deſire to know whether it be ſo in your *Chriſtian* Religion?

Hig. }
Hoad. } Moſt Certainly. It is a *Maxim* with us, *Non Dimittitur Peccatum, niſi Reſtituatur ablatum*. That the *Sin* is not *Forgiven*, unleſs we *Reſtore* what we have *Unjuſtly* taken from another, that is, as far as it is in our Power.

Hott. And you both own the *Vſurpation* of a *Crown* to be a very *Vnjuſt* thing?

Hig. } Yes. We both own that.
Hoad. } Only I Mr. *Hoadly* think it no *Vſurpation* if the *People* Diſpoſſeſs the *Prince*, becauſe we *Whiggs* think they have Juſt Power ſo to do. But I Dr. *Higden* who do not own this Power in the *People*, but Tye them up to Abſolute *Non-Reſiſtance*, do think the Diſpoſſeſſion of the *Prince*, upon any *Pretence* or *Cauſe* whatſoever, and the Setting Another upon his *Throne*, to be Manifeſt *Vſurpation*, and a moſt *Heinous* and *Damnable Sin*.

Hott. And do not you, Dr. *Higden*, think that the *Vſurper* is Obliged in *Conſcience* to make *Reſtitution*.

Hig. Yes, I think ſo, becauſe otherwiſe his *Repentance* will not be Accepted. But yet I believe his *Subjects* are Obliged in *Conſcience* to *Own* him, to *Swear* to him, and to *Fight* for him against the Diſpoſſeſſed *Prince*, according to our *Laws* and *Conſtitution*.

Hott. Are your *Laws* then againſt *Conſcience*? Or is there one ſort of *Conſcience* for the *King*, and another for the *Subjects*? Will the *Vſurper* be *Damned* for not making *Reſtitution*? And go not theſe the ſame Way who hinder him from doing it, by Aſſiſting him to *Maintain* his *Vſurpation*? Have you one *Goſpel* for the *Prince*, and another for the *Subject?* Is not *Robbery* and *Injuſtice* the ſame whoever does it?

But if the *Vſurper* is Obliged, upon Pain of *Damnation*, to make *Reſtitution*, are not you Obliged to *Tell* him of it, to *Exhort* him, and even to *Compel* him by all your *Spiritual* Arms, to make *Haſt* to do it, not to *Delay* one *Minute*, for that he is in the State of *Damnation* till he does it; and if he ſhould *Dye* before he does it, That his Condition is without *Hopes* or *Recovery?* Would you give him the *Sacrament*, or *Abſolution*, while he *Perſiſts* in his *Sin?* And will you, at the ſame time, *Preach* to all the *Subjects*, That they are Obliged, upon Pain of *Damnation*, to Maintain him in his Ill-gotten *Poſſeſſion*, for which, without *Reſtitution*, you ſay he will be *Damned?* Will an *Act* of *Parliament*, or the *Conſent* of the *States*, be Pleadable at the *Day* of *Judgment*, if it be to an *Vnjuſt* thing, to *Wrong* and *Robbery?*

Hig. I have Nothing elſe to Truſt to. If the *Laws* Deceive me, I am Deceived.

Hoad. O *Horrible!* It is time to have done when we are come to this! What do you ſay to the Caſe that *David* puts, of *Iniquity* being *Eſtabliſhed* by a *Law?* You allow *Vſurpation* to be an *Iniquity*, and Plead for it only becauſe it is *Eſtabliſhed* by a *Law!* And a *Law* of the *Vſurper's* own making!

Hott. Indeed, Mr. *Hoadly*, I think you the more *Reaſonable* Man of the *Two*. Yet you are not far behind him, for you make the *Voice* of the *People* ſuch a *Law* as he does the *Conſent* of the *States*. But you have a *Salvo*, for by the *People* every one of you means only *Himſelf*. And you can Oppoſe ten Thouſand of the *People*, for the Good of the *People*, and in the *Name* of the *People!* So that you are Tyed to no *Law* of the *People*, but what you think *Good* and *Right* your ſelf. But Dr. *Higden* thinks that what is moſt *Wicked* and *Damnable* in it ſelf, becomes *Juſt* and *Right* when it gains the *Conſent* of the *States!* But why then, Doctor, did you call your *Book* the *Sovereignty* of the *Prince?* You ſhould have called it the *Sovereignty* of the *States*. For you Place the whole *Sovereignty* in Them, Independent on the *Prince*. Becauſe if the *States* ſhould withdraw their *Allegiance* from their Lawful *King*, and Transfer it to an *Uſurper*, that *Uſurper* (by your Doctrine) becomes your True and Lawful *King*, and the *Right* of your Yeſterday's Lawful *King*, and of his *Heirs* for Ever, is utterly *Extinguiſhed!* And it is not the *King*, but the *States* that can do no *Wrong!*

Now my Advice to you Both is, to Burn your *Bibles*. Since you have got other *Rules* whereby to ſteer your *Conſcience*;

of which you ſay, That *Lawyers* are better *Guides* than *Divines*. And if ſo, ther is one *Tribe* may be more eaſily Spared! And the *Judges* ought to have the *Biſhops* Votes in the Houſe of *Lords!*

Exit Hottentote.

THE

EPILOGUE,

Spoken by the Doctor, *and Mr.* Hoadly, *on Account of the* Doctor *his* Sermon *laſt* 30th *of* January.

Hoadly. This is the *Madding* Day of you *Tories*. And you have made *Mad* Work with it, *Doctor*. You *Call* King *Char*. I. a *Martyr*. But you have *Proved* him a *Malefactor*, a *Rebel*, and a *Traitor*, if your *Doctrine* be True.

Doctor. No, Sir, it is your *Doctrine* of the Power of the *People*, by which you ſay he was *Juſtly* Condemned.

Hoad. And you have put the ſame *Power* in the *States.* How does that mend the Matter?

Dr. I do not put it in the *States.* I ſay not that the *States* have a *Right* to *Rebel.*

Hoad. But have the *States* a *Right* to transfer their *Allegiance* from your Lawful King to another? Can their conſent Deprive the One of his Right, and give it to the other.

Dr. (aſide) Let me ſee —— If this be Granted, then the *Sovereignty* muſt be in the States, and they may Change *Kings* every Hour of the Day. But if they have not a *Right* to *Transfer* their *Allegiance*, then they are *Rebels* and *Traytors* if they do it. If they have no Right to Conſent, their Conſent is nothing in Right, and Nothing will add Nothing to the *Title* of an *Vſurper* ——— I think I am got into a *Cleft-Stick* ——— But I muſt Anſwer.

[*He turns to Mr.* Hoadly.]

Sir, this is a *Captious* Queſtion. And no Man of *Honour* is obliged to take Notice of it. I ſee whither you are *Decoying* me. But I am ſatisfied, and ſtill Inſiſt that *Oliver* had not the Conſent of the *States.*

Hoad. He had the Conſent of his own *Parliaments* and all the *Nation*, as much as ever any *King* had. He was *Recognized* at *Home*, and *Owned* and *Treated* with *Abroad.*

And none Durſt open his Mouth againſt Him, under Peril of *Treaſon*. If theſe *Eſtates* then were Part of the *Nation*, he had their Conſent too as much as of the *Nation*.

But, Sir, you ſay in your *Sermon*, p. 19. *That the Authority of the Sword, is the Sovereignty it ſelf.* Now I think you will not Deny but that K. *Char.* I. had loſt the *Authority* of the *Sword* before his *Tryal*. And conſequently he had loſt the *Sovereignty it ſelf*. And how was he then our *Sovereign?*

Dr. They called him *King* at his *Tryal*.

Hoad. As the *Soldiers* ſaid to *Chriſt*, Hail *King* of the *Jews*, when they were going to *Crucifie* Him. Do you think that *Bradſhaw* and the *High Court of Juſtice* did look upon King *Char.* I. as their Lawful *King* and *Sovereign* while they were Sitting in Judgment upon him? This is putting *Jeſts* upon us inſtead of *Argument*.

But ſuppoſe *Oliver* had taken the *Title* of *King* before the *Tryal*, and the *States* had Transferred their *Allegiance* to him, and he had Granted a *Commiſſion* to Try King *Char.* I. Would not all this have been *Juſt* and *Legal?*

Dr. You put *Odious* Caſes. And ſuch are not to be Anſwered. I ſtill Except *Oliver*, and the Caſe of the *Martyr*. But

Barring this, in all other Caſes it ſhall be *Lawful!*

Hoad. That is, in all Caſes that are *Popular*, and Swim down the *Stream*. But if any *Caſe* have a General *Odium* caſt upon it (as who knows?) then you will *Except* that *Caſe* too!

Dr. Sir, You are very *Inſulting*.

Hoad. That comes well from You! I have been Corrected for my *Domineering* and *Diſdainful* Way of *Anſwering*, and Boaſting of *Demonſtration* where ther was leaſt *Reaſon* for it. But you have ſo far outdone me, that I hope my little *Sawcineſs* will hereafter be forgotten. You *Dictate* as *Magiſterially* as to your *Boys* at *School*, I learned a little of it too at *Hackney*.

Dr. Leave off your *Impertinence*—— But chiefly your *Whigg-Principles*. And mind the Caution I give at the Cloſe of my *Sermon*, p. 32. where I ſay, Let us Guard " againſt all Approaches to this Sin; (of " *Rebellion)* all Dangerous Tenets, that " Threaten the Thrones of Princes, and " the Peace of Societies.

Hoad. And is ther no *Approaches* to this *Sin*, no *Threatning* to the *Thrones* of *Princes*, and to the *Peace* of *Societies*, in Aſſerting a *Juſt* and *Legal Right* in the *States* to Transfer their *Allegiance* from their Lawful *Sovereign* to every *Uſurper?* Without which ſuppoſed, your whole *Argument* falls to the Ground? Is not this to make the *States* a *Sovereign* over their *Sovereign*, to make the *King* a *Subject*, and the *Subjects* to be the *King?* Is not all this Implyed in Placing a *Right* in the *States* to Extinguiſh the *Right* of their *King* and his *Heirs* for Ever? And to Settle it on *Oliver* and his *Heirs* for Ever, and ſo on *Cade* or *Straw*, or *Maſſanello?* And do you Ridicule us for Placing this *Power* in the whole *Body* of the *People*, of whom the *States* are but a very ſmall Part, and all made by the *King?* But the *People* were not made by Him. And therefore our *Principle* of Placing the *Supreme Power* in the *People* is much more Tenable than your New *Invention* of putting it in the *States*. All allow that the *King* ought to Govern for the Good of the *People*. But I never heard any ſay, That it was for the Good of the *States*. It is Certain that *People* were before *Kings*, except only *Adam*. And it is as Certain that *Kings* were before the *States*, which were made by them, to help them to Govern, as *Miniſters* under them, who Act in their *Name*, and by their *Authority*; who Swear *Allegiance* to them, and are as much their *Subjects* as the meaneſt *Peaſant*.

And if theſe have *Authority* to Transfer their *Allegiance*, and ſo to *Un-King* their *Sovereign*, why not to *Try* him too? It ſeems moſt Equitable to *Hear* before we *Condemn*, and to let the *Priſoner* have Liberty to make his *Defence*.

Dr. But they did not give the *King* that Liberty. The *Court* Over-Ruled him and would not Suffer him to Speak.

Hoad. Becauſe he would not own the *Authority* of the *Court*, and Refuſed to *Plead* to his *Indictment*. Therefore they might have *Preſſed* him to Death, and it was *Mercy* in them to give him a Milder *Sentence*. And though he had been Innocent of all laid to his Charge in the *Indictment*, yet in this he was Guilty of *Treaſon* and *Rebellion* againſt the *Supreme Authority* of the *People*, which he Denyed.

Dr. He had Reaſon, for all thoſe you call the *People* were his *Subjects*.

Hoad. And were not thoſe you call the *States* ſo too? Now let us Change the *Terms*, and inſtead of *People* or *States* put in *Subjects*, and all your *Amuſement* will Appear. For will you Allow that *Subjects* may Depoſe their *King* and *Extinguiſh* his *Right*, by *Transferring* their *Allegiance*? If not, then the *States* can no more do it than the *People*. But if the *States* may do it, then why not the *People*? For whence have the *States* their *Authority*? If from the *King*, then they can have no *Authority* over Him, nor can Determine of His *Right*. But if from the *People*, then may not the

People themſelves do as much as their *Subſtitutes* and *Repreſentatives?* Therefore your not Allowing the *People* to *Transfer* their *Allegiance*, but Allowing it to the *States*, is a meer *Amuſement*, and a New *Difficulty* you have brought upon your ſelf, only to get Rid of the Inſtance of *Oliver*. But it has *Involved* you more than you were before. You can never Stand upon this Ground you have now Choſen. I wiſh you may Change it for *Repentance*.

FINIS.

Juſt Publiſh'd.

OBedience to *Civil Government* clearly Stated: Wherein the *Chriſtian Religion* is Reſcu'd from the falſe Notions pretended to be drawn from it; and Mr. *Hoadly*'s New Scheme in his laſt Book of the Origin and Form of *Civil Government*, is fully conſider'd.

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